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प्राधिकार से प्रकाशित
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सं. 17]

नई दिल्ली, अप्रैल 28—मई 4, 2024, शनिवार/वैशाख 8—वैशाख 14, 1946

No. 17]

NEW DELHI, APRIL 28—MAY 4, 2024, SATURDAY/VAISAKHA 8—VAISAKHA 14, 1946

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

वित्त मंत्रालय

(वित्तीय सेवाएं विभाग)

नई दिल्ली, 26 अप्रैल, 2024

का.आ. 778.—राष्ट्रीय अवसंरचना वित्तपोषण और विकास बैंक अधिनियम, 2021 (2021 का 17) की धारा 6 की उप-धारा (1) के खंड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, श्री राजीव सिंह ठाकुर, अपर सचिव, उद्योग संवर्धन और आंतरिक व्यापार विभाग को तत्काल प्रभाव से और अगले आदेशों तक, राष्ट्रीय अवसंरचना वित्तपोषण और विकास बैंक के बोर्ड में निदेशक नामित करती है।

[फा. सं. 15/10/2021-आईएफ-1]

सुभाषचन्द्र अमीन, अवर सचिव

MINISTRY OF FINANCE
(Department of Financial Services)

New Delhi, the 26th April, 2024

S.O. 778.—In exercise of the powers conferred by Clause (d) of sub-section (1) of Section 6 of the National Bank for Financing Infrastructure and Development Act, 2021 (17 of 2021), the Central Government hereby nominates Shri Rajeev Singh Thakur, Additional Secretary, Department for Promotion of Industry and Internal Trade as Director on the Board of National Bank for Financing Infrastructure and Development, with immediate effect and until further orders.

[F. No. 15/10/2021-IF-I]

SUBHASHCHANDRA AMIN, Under Secy.

विदेश मन्त्रालय

(सी.पी.वी. प्रभाग)

नई दिल्ली, 30 अप्रैल, 2024

का.आ. 779.—राजनयिक और कंसुलीय अधिकारी (शपथ एवं फीस) के अधिनियम, 1948 की धारा 2 के खंड (क) के अनुसरण में वैधानिक आदेश।

एतद्वारा, केंद्र सरकार, अप्रैल 30, 2024 से कंसुलर सेवाएं के निर्वहन करने के लिए विदेश में भारतीय मिशनों/पोस्टों में सहायक कंसुलर अधिकारियों के रूप में इस मंत्रालय के नीचे उल्लिखित अधिकारियों की नियुक्ति करता है:

क्रम सं.	अधिकारी का नाम और पद(श्री/सर्व)	मिशन / पोस्ट जिसमें सहायक कंसुलर अधिकारी के रूप में नियुक्त किया गया है
1	पंकज श्रीवास्तवा, सहायक अनुभाग अधिकारी	भारतीय उच्चायोग, लंदन
2	दीपेंद्र यादव, सहायक अनुभाग अधिकारी	भारतीय दूतावास, मिन्स्क
3	राजिंदर कुमार, सहायक अनुभाग अधिकारी	भारतीय दूतावास, दमिश्क
4	शिवा चौहान, वैक्तिक सहायक	भारत के प्रधान कंसुलावास, दुबई
5	राघवेन्द्र कुमार, सहायक अनुभाग अधिकारी	
6	दिनेश मनी कनगवेल, सहायक अनुभाग अधिकारी	भारत के राजदूतवास, ओस्लो

[फा. सं. टी. 4330/01/2024(11)]

एस.आर.एच. फहमी, निदेशक (सीपीवी-1)

MINISTRY OF EXTERNAL AFFAIRS
(CPV Division)

New Delhi, the 30th April, 2024

S.O. 779.—Statutory Order in pursuance of clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1048), the Central Government hereby appoints the below mentioned officials of this Ministry, as Assistant Consular Officers in Indian Missions/Posts abroad to perform Consular services with effect from April 30, 2024:

Sl. No.	Name & Rank of the Officer	Mission/Post wherein appointed as Assistant Consular Officer
1	Mr. Pankaj Srivastava, Assistant Section Officer	High Commission of India, London
2	Mr. Dipender Yadav, Assistant Section Officer	Embassy of India, Minsk
3	Mr. Rajinder Kumar, Assistant Section Officer	Embassy of India, Damascus
4	Mr. Shiva Chauhan, Personal Assistant	Consulate General of India, Dubai
5	Mr. Raghvendra Kumar, Assistant Section Officer	
6	Mr. Dinesh Mani Kanagavel, Assistant Section Officer	Embassy of India, Oslo

[F. No. T. 4330/01/2024(11)]

S.R.H FAHMI, Director (CPV-I)

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 29 अप्रैल, 2024

का.आ. 780.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 6 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की नीचे दी गई अनुसूची में यथा-उल्लिखित तारीखों एवं का.आ. संख्या द्वारा उन अधिसूचनाओं से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया गया था।

और केन्द्रीय सरकार ने उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त भूमियों में विल्लंगमों से मुक्त उपयोग का अधिकार एचपीसीएल राजस्थान रिफाइनरी लिमिटेड, (राजस्थान) में निहित किया गया था।

और सक्षम प्राधिकारी ने केन्द्रीय सरकार को रिपोर्ट दे दी है कि पानी के परिवहन के लिए राजस्थान राज्य में एचपीसीएल राजस्थान रिफाइनरी लिमिटेड, (राजस्थान) की नाचना से पचपदरा रिफाइनरी तक पानी की पाइपलाइन बिछाई जा चुकी है, अतः उस भूमि के बारे में जिसका संक्षिप्त विवरण इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट किया गया है, ऐसे प्रचलन को राजस्थान राज्य में समाप्त किया जाए।

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन), 1963 के नियम 4 के उप-नियम (1) के अंतर्गत दी गई परिभाषा (1) के अंतर्गत उस तारीख को जिस दिन पर यह अधिसूचना भारत सरकार के राजपत्र में प्रकाशित होती है, राजस्थान राज्य के जैसलमेर जिले की नाचना-2, भणियाणा, फलसूण्ड, पोकरण और बाड़मेर (वर्तमान नाम बालोतरा) जिले की गिडा एवं पचपदरा तहसील के निम्नसूचित गाँवों के भूमि में मार्गाधिकार गतिविधियों की समाप्ति की तारीख के रूप में घोषणा करती है।

अनुसूची

क.सं.	6(1) अधिसूचना की का.आ. सं. एवं दिनांक	गाँव का नाम	तहसील
1	2	3	4
जिला: जैसलमेर		राज्य : राजस्थान	
1	3500 (अ) दिनांक 05/10/2020	नाचना बारानी	नाचना-2
2	4526 (अ) दिनांक 08/12/2020	आसकन्द्रा	
3	677 (अ) दिनांक 11/02/2021	दिधू	
4	3058 (अ) दिनांक 12/07/2023	अजासर	
5		टोटा	
6	4526 (अ) दिनांक 08/12/2020	माडवा	भणियाणा
7	677 (अ) दिनांक 11/02/2021	चैनपुरा	
8	3058 (अ) दिनांक 12/07/2023	प्रहलादसर	
9		भणियाणा	
10		डुंगरेकीढाणी	
11		खीवसर	
12		खेजडली	
13		मेघरिखसर	
14		शक्ति फौजदारसर	
15		दांतल	
16		मौलाना आजादनगर	
17		गोरालिया गाला	
18		रावतपुरा	
19	4526 (अ) दिनांक 08/12/2020	झालोडा भाटियान	भणियाणा (वर्तमान तहसील : फलसूण्ड)
20	677 (अ) दिनांक 11/02/2021	जीयासर	
21	3058 (अ) दिनांक 12/07/2023	भीखोडाई जूनी	
22		स्वामीजीकीढाणी	
23		फलसूण्ड	
24		जैतपुरा	
25		कजोई	
26		मानासर	
27	4528 (अ) दिनांक 08/12/2020	चांदसर	पोकरण
28	1224 (अ) दिनांक 15/03/2021	नयानवतला	
29	3058 (अ) दिनांक 12/07/2023	बरडाना	
30		पदमसागर	

31	लोहारकी
32	मालकां
33	मावा
34	रामदेवरा
35	गोमट
36	पोकरण
37	बिलिया
38	बडलीमाण्डा
39	नाथूसर
40	ऊजलां
41	मेहतावगढ़

जिला : बाड़मेर (वर्तमान नाम बालोतरा)			राज्य : राजस्थान
42	4070 (अ) दिनांक 10 / 11 / 2020	हीरा की ढाणी	गिडा
43	676 (अ) दिनांक 11 / 02 / 2021	पांचा की ढाणी	
44	1889 (अ) दिनांक 20 / 04 / 2022	चक नीम्बा की ढाणी	
45	575 (अ) दिनांक 10 / 02 / 2022	नीम्बा की ढाणी	
46	3058 (अ) दिनांक 12 / 07 / 2023	सोहड़ा	
47		गिडा	
48		मालदेता	
49		गौगासर	
50		चक उत्तरणी	
51		चैनपुरा	
52		उत्तरणी	
53		माताजी की भाखरी	
54		धोलु	
55		जूण्ड	
56		कराला	
57		झालामलिया	
58		खारापार	
59		पाना देवडा	
60	4070 (अ) दिनांक 10 / 11 / 2020	गुगरी	पचपदरा
61	676 (अ) दिनांक 11 / 02 / 2021	बागुण्डी	
62	3058 (अ) दिनांक 12 / 07 / 2023	बोराबास	
63	3326 (अ) दिनांक 24 / 09 / 2020	आकडली बक्सीराम	
64		कलावा	
65		सांभरा	

[फा. सं. आर-11025/1/2019-ओआर-1/ई-31849]

पी. सोमाकुमार, अवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 29th April, 2024

S.O. 780.—Whereas, by the notification of the Government of India in the Ministry of Petroleum and Natural Gas, S.O. Numbers and dated as mentioned in the Schedule below issued under Sub-section (i) of Section 6, Petroleum and Minerals Pipeline (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government acquired the Right of User in the said lands specified in the schedule appended to those notifications;

And whereas, in exercise of power conferred by Sub-section (4) of Section 6 of the said Act, the Central Government vested the Right of User in the lands free from all encumbrances in the HPCL Rajasthan Refinery Ltd;

And whereas, the Competent Authority has made a report to the Central Government that the pipeline has been laid in the said lands and hence the operation may be terminated for Nachana to Pachpadra Refinery Water Pipeline in the state of Rajasthan in respect of the said land which in brief are specified in the Schedule annexed to this Notification;

Now, therefore, as required under Explanation 1 of Rule 4 of the Petroleum and Minerals Pipeline (Acquisition of Right of User in Land) Rules 1963, the Central Government hereby declare the date on which the

notification is published in the Gazette of India as the date of “Termination of Operation” in ROU in the villages mentioned in Tehsil: Nachna-2, Bhaniyana, Falsund (Previously the part of Tehsil Baniyana), Pokran of District: Jaisalmer and Tehsil: Gida and Pachpadra of District: Barmer (Present name Balotra) in the State of Rajasthan.

SCHEDULE

Sl. No.	6 (1) Notifications S.O. No. and Date	Name of the Village	TEHSIL
1	2	3	4
DISTRICT : JAISALMER			State : Rajasthan
1	3500 (E) Dated 05/10/2020	NACHANA BARANI	NACHANA – 2
2	4526 (E) Dated 08/12/2020	ASKANDRA	
3	677 (E) Dated 11/02/2021	DIDHU	
4	3058 (E) Dated 12/07/2023	AJASAR	
5		TOTA	
6	4526 (E) Dated 08/12/2020	MADAVA	BHANIYANA
7	677 (E) Dated 11/02/2021	CHAINPURA	
8	3058 (E) Dated 12/07/2023	PRAHALADSAR	
9		BHANIYANA	
10		DUNGRE KI DHANI	
11		KHINVSAR	
12		KHEJADALI	
13		MEGHARIKHSAR	
14		SHAKTI FAUZDARSAR	
15		DANTAL	
16		MAULANAAZADNAGAR	
17		GORALIYA GALA	
18		RAWATPURA	
19	4526 (E) Dated 08/12/2020	JHALODA BHATIYAN	BHANIYANA
20	677 (E) Dated 11/02/2021	JIYASAR	(Present Tehsil: Falsund)
21	3058 (E) Dated 12/07/2023	BHIKHODAI JUNI	
22		SWAMIJI KI DHANI	
23		FALSUND	
24		JETPURA	
25		KAJOI	
26		MANASAR	
27	4528 (E) Dated 08/12/2020	CHANDSAR	POKARAN
28	1224 (E) Dated 15/03/2021	NAYA NAVTALA	
29	3058 (E) Dated 12/07/2023	BARDANA	
30		PADAMSAGAR	
31		LOHARKI	
32		MALKAN	
33		MAVA	
34		RAMDEVRA	
35		GOMAT	
36		POKARAN	
37		BILIYA	
38		BADALIMANDA	
39		NATHUSAR	
40		UJALAN	
41		MEHTABGARH	
DISTRICT : BARMER (PRESENT NAME BALOTRA)			State : Rajasthan
42	4070 (E) Dated 10/11/2020	HIRA KI DHANI	GIDA
43	676 (E) Dated 11/02/2021	PANCHA KI DHANI	
44	1889 (E) Dated 20/04/2022	CHAK NIMBA KI DHANI	
45	575 (E) Dated 10/02/2022	NIMBA KI DHANI	
46	3058 (E) Dated 12/07/2023	SOHADA	
47		GIDA	
48		MALDETA	

Sl. No.	6 (1) Notifications S.O. No. and Date	Name of the Village	TEHSIL
1	2	3	4
49		GAUGASAR	
50		CHAK UTARANI	
51		CHAINPURA	
52		UTARANI	
53		MATAJI KI BHAKHRI	
54		DHOLU	
55		JUND	
56		KERALA	
57		JHALAMALIYA	
58		KHARAPAR	
59		PANA DEVDA	
60	4070 (E) Dated 10/11/2020	GUGARI	PACHPADRA
61	676 (E) Dated 11/02/2021	BAGUNDI	
62	3058 (E) Dated 12/07/2023	BORAWAS	
63	3326 (E) Dated 24/09/2020	AAKADLI BAKSIRAM	
64		KALAVA	
65		SAMBHARA	

[F. No. R-11025/1/2019-OR-1/E-31849]

P. SOMA KUMAR, Under Secy.

श्रम और रोजगार मंत्रालय

नई दिल्ली, 19 अप्रैल, 2024

का.आ. 781.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार **सिजुआ एरिया ऑफ़ बी सी सी एल** के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण- सह - श्रम न्यायालय, धनबाद-I** के पंचाट (संदर्भ संख्या 234/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22/02/2024 को प्राप्त हुआ था।

[सं. एल-20012/355/2001 –(आई.आर.सी-I)]

मणिकंदन. एन, उप निदेशक

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 19th April, 2024

S.O. 781.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 234/2001**) of the **Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-I** as shown in the Annexure, in the industrial dispute between the Management of **Sijua Area of BCCL. and their workmen** received by the Central Government on **22/02/2024**.

[No. L-20012/355/2001 – IR (C-I)]

MANIKANDAN. N, Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL -CUM-LABOUR COURT (No. 1), DHANBAD.

PRESENT: Shri Ananda Kumar Mukherjee,
Presiding Officer / Link Officer,
C.G.I.T-cum-L.C. (No. 1), Dhanbad.

REFERENCE CASE NO. 234 OF 2001

PARTIES: Satiram Harijan

Vs.

Management of Sijua Area of BCCL

REPRESENTATIVES:

For the Union/Workman: Mr. N. G. Arun, union representative.

For the Management of BCCL: None.

INDUSTRY: Coal**STATE:** Jharkhand.**Dated:** 19.01.2024**AWARD**

In exercise of powers conferred under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order No. L-20012/355/2001-IR(C-I) dated 10.10.2001 has been pleased to refer the following dispute between the employer, that is the Management of Sijua Area of Bharat Coking Coal Limited and their workman for adjudication by this Tribunal.

SCHEDULE

“Whether the action of the management of BCCL, Sijua Area in denial of promotion to Shri Satiram Harijan in cate V from 1995 is justified? If not to what relief is the concerned workman entitled?”

1. On receiving Order No. L-20012/355/2001-IR(C-I) dated 10.10.2001 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a **Reference case No. 234 of 2001** was registered on 06.11.2001 as none appeared for the management Notice was issued to the management on 15.03.2002, directing them to appear and file written statement in support of their claim.
2. The Reference case is fixed up today for appearance of the parties. Mr. N. G. Arun, Organizing Secretary of the union has appeared on behalf of the workman. On repeated calls at 12.30 pm none appears for the management of Bharat Coking Coal Limited. The regular Presiding Officer has retired from service. I am incharge as Presiding Officer / Link Officer of Central Government Industrial Tribunal -cum- Labour Court (No. 1), Dhanbad.
3. The Industrial Dispute referred for adjudication is relating to a claim for promotion of Satiram Harijan w.e.f. 1995. Mr. Arun submitted that the workman is no longer interested in pursuing this Industrial Dispute and the case may be disposed of.
4. The record reveals that the last occasion step was taken on behalf of the workman was on 18.08.2006. No evidence has been adduced by the workman till date and after Notice the workman did not appear since December, 2021. The Industrial Dispute is therefore dismissed for non-prosecution. A No Dispute Award be drawn up.

Hence,

ORDERED

The Industrial Dispute is dismissed for non-prosecution. A No Dispute Award be drawn up in respect of the above Reference case. Let copies of the Award in duplicate be sent to the Ministry of Labour and Employment, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer/Link Officer

नई दिल्ली, 19 अप्रैल, 2024

का.आ. 782.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सरबेरा कोलियरी ऑफ़ बी सी सी एल के प्रबंधन के संबद्ध नियोजको और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, धनबाद-I के पंचाट (संदर्भ संख्या 12/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22/02/2024 को प्राप्त हुआ था।

[सं. एल-20012/211/2003 -आई.आर.सी.एम-I]

मणिकंदन. एन, उप निदेशक

New Delhi, the 19th April, 2024

S.O. 782.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 12/2004**) of **the Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-I** as shown in the Annexure, in the industrial dispute between the Management of **Sarubera Colliery of BCCL. and their workmen** received by the Central Government on **22/02/2024**.

[No. L-20012/211/2003 – IR (CM-I)]

MANIKANDAN. N, Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL -CUM-LABOUR COURT (No. 1), DHANBAD.

PRESENT: Shri Ananda Kumar Mukherjee,
Presiding Officer / Link Officer,
C.G.I.T-cum-L.C. (No. 1), Dhanbad.

REFERENCE CASE NO. 12 OF 2004

PARTIES: Mathura Mahato
(Represented by Coal Mines Workers Union)
Vs.
Management of Sarubera Colliery of CCL

REPRESENTATIVES:

For the Union/Workman: None.

For the Management of CCL: None.

INDUSTRY: Coal

STATE: Jharkhand.

Dated: 19.01.2024

AWARD

In exercise of powers conferred under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order **No. L-20012/211/2003-IR(C-I)** dated 24.12.2003 has been pleased to refer the following dispute between the employer, that is the Management of Sarubera Colliery under Kuju Area of Central Coalfields Limited and their workman for adjudication by this Tribunal.

SCHEDULE

“Whether the demand of Coal Mines Workers Union from the management of Sarubera Colliery under Kuju Area of M/s. Central Coalfields Limited for regularizing Sri Mathura Mahato, P/R, P.B. No. 6241 as Dresser in Category-III is justified? If so, to what relief is the concerned workman entitled and from what date ”

1. On receiving Order **No. L-20012/211/2003-IR(C-I)** dated 24.12.2003 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a **Reference case No. 12 of 2004** was registered on 02.01.2004 as none appeared Notice was issued on 31.12.2021 through registered post, directing them to appear and take proper steps in support of their claims.

2. The Reference case is fixed up today for appearance of the parties. It is 1.00 pm. After issuance of Notice to both parties none appeared on behalf of the workman as well as management of Bharat Coking Coal Limited. The regular Presiding Officer has retired from service. I am incharge as Presiding Officer / Link Officer of Central Government Industrial Tribunal -cum- Labour Court (No. 1), Dhanbad.

3. On a perusal of the record it appears that the party raising the dispute is not inclined to proceed with this Industrial Dispute as several years have already been passed after issuance of Notice and no step has been taken. The Industrial Dispute is therefore dismissed for non-prosecution. A No Dispute Award be drawn up.

Hence,

ORDERED

The Industrial Dispute is dismissed for non-prosecution. A No Dispute Award be drawn up in the above Reference case. Let copies of the Award in duplicate be sent to the Ministry of Labour and Employment, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer/Link Officer

नई दिल्ली, 19 अप्रैल, 2024

का.आ. 783.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार अंगारपथरा कोलियरी ऑफ़ बी सी सी एल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, धनबाद-I के पंचाट (संदर्भ संख्या 124/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22/02/2024 को प्राप्त हुआ था।

[सं. एल-20012/203/2003-आई.आर.सी.एम-I]

मणिकंदन. एन, उप निदेशक

New Delhi, the 19th April, 2024

S.O. 783.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 124/2003**) of the **Central Government Industrial Tribunal-cum-Labour Court, Hyderabad** as shown in the Annexure, in the industrial dispute between the Management of **Angarpathra Colliery of BCCL** and **their workmen** received by the Central Government on **22/02/2024**.

[No. L-20012/203/2003- IR (CM-I)]

MANIKANDAN. N, Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL -CUM-LABOUR COURT (No. 1), DHANBAD.

PRESENT: Shri Ananda Kumar Mukherjee,
Presiding Officer / Link Officer,
C.G.I.T-cum-L.C. (No. 1), Dhanbad.

REFERENCE CASE NO. 124 OF 2003

PARTIES: Smt. Kaili Devi
(through Colliery Karamchari Sangh)

Vs.

Management of Angarpathra Colliery of BCCL

REPRESENTATIVES:

For the Union/Workman: None.

For the Management of BCCL: None.

INDUSTRY: Coal

STATE: Jharkhand.

Dated: 19.01.2024

AWARD

In exercise of powers conferred under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order **No. L-20012/203/2003-IR(C-I)** dated 24.12.2003 has been pleased to refer the following dispute between the employer, that is the Management of Angarpathra Colliery of Bharat Coking Coal Limited and their workman for adjudication by this Tribunal.

SCHEDULE

“Whether the action of the management of Angarpathra Colliery of M/s. BCCL in not providing employment to Smt. Kaili Devi as the dependent wife of late Dukhiya Beldar as per provisions of NCWA is justified? If not, to what relief is the said dependant of the deceased workman entitled?”

1. On receiving Order **No. L-20012/203/2003-IR(C-I)** dated 24.12.2003 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a **Reference case No. 124 of 2003** was registered on 24.12.2003. Notice was issued to the management on 15.02.2006, directing them to appear and file written statement in support of their claim. Petitioner filed written statement through General Secretary of Colliery Karamchari Sangh.

2. The Reference case is fixed up today for appearance of the parties. On repeated calls at 1.10 pm none appeared for the workman as well as the management of Bharat Coking Coal Limited. The regular Presiding Officer has retired from service. I am incharge as Presiding Officer / Link Officer of Central Government Industrial Tribunal - cum- Labour Court (No. 1), Dhanbad.

3. On a perusal of the record I find that the Industrial Dispute is pending for several years but the parties are disinclined to proceed any further. Hence, the Industrial Dispute is dismissed on default. A No Dispute Award be drawn up.

Hence,

ORDERED

The Industrial Dispute is dismissed for default. A No Dispute Award be drawn up in respect of the above Reference case. Let copies of the Award in duplicate be sent to the Ministry of Labour and Employment, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer/Link Officer

नई दिल्ली, 19 अप्रैल, 2024

का.आ. 784.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सायल डी कोलियरी ऑफ़ सी सी एल के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, धनबाद-I के पंचाट (संदर्भ संख्या 23/2011) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22/02/2024 को प्राप्त हुआ था।

[सं. एल-20012/28/2010 -आई.आर.सी.एम-I]

मणिकंदन. एन, उप निदेशक

New Delhi, the 19th April, 2024

S.O. 784.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 23/2011**) of **the Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-I** as shown in the Annexure, in the industrial dispute between the Management of Sayal 'D' Colliery of CCL. and **their workmen** received by the Central Government on **22/02/2024**.

[No. L-20012/28/2010- IR (CM-I)]

MANIKANDAN. N, Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL -CUM-LABOUR COURT (No. 1), DHANBAD.

PRESENT: Shri Ananda Kumar Mukherjee,
Presiding Officer / Link Officer,
C.G.I.T-cum-L.C. (No. 1), Dhanbad.

REFERENCE CASE NO. 23 OF 2011

PARTIES: Adesh Kumar.
Vs.
Management of Sayal 'D' Colliery of CCL.

REPRESENTATIVES:

For the Union/Workman: None.
For the Management of CCL: Mr. D. K. Verma, Adv.

INDUSTRY: Coal
STATE: Jharkhand.
Dated: 19.01.2024

AWARD

In exercise of powers conferred under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order **No. L-20012/28/2010-IR(CM-I)** dated 05.04.2011 has been pleased to refer the following dispute between the employer, that is the Management of Sayal 'D' Colliery under Barka Sayal Area of Central Coalfields Limited and their workman for adjudication by this Tribunal.

SCHEDULE

“Whether the action of the management of Sayal 'D' Colliery under Barka Sayal Area of M/s C.C. Ltd. in denying regularisation / promotion to Mr. Adesh Kumar, Electrical Helper (Redesignated Lamp Cleaner) in the post of Lamp Issuer with effect from 2001 with payment of difference wages and consequential benefits is legal and justified? To what relief the workman is entitled to?”

1. On receiving Order **No. L-20012/28/2010-IR(CM-I)** dated 05.04.2011 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a **Reference case No. 23 of 2011** was registered on 02.05.2011 as none appeared. Notice was issued on 22.02.2022 through registered post, directing them to appear and take proper steps in support of their claims.
2. The Reference case is fixed up today for appearance of the parties. Mr. D. K. Verma, learned advocate for the management of Central Coalfields Limited is present. On repeated calls at 12.40 p.m. none appeared for the Adesh Kumar, the aggrieved workman on whose behalf this Industrial Dispute has been raised alleging denial of promotion / regularization w.e.f. 2001. The regular Presiding Officer has retired from service. I am incharge as Presiding Officer / Link Officer of Central Government Industrial Tribunal-cum- Labour Court (No. 1), Dhanbad.
3. Since the workman is unrepresented and no step has been taken by him, I am of the considered view that the workman is not inclined to pursue his claim any further. The Industrial Dispute is accordingly dismissed for default. A No Dispute Award be drawn up.

Hence,

ORDERED

That a No Dispute Award be drawn up in respect of the above Reference case. Let copies of the Award in duplicate be sent to the Ministry of Labour and Employment, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer/Link Officer

नई दिल्ली, 19 अप्रैल, 2024

का.आ. 785.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एयर इंडिया लिमिटेड के प्रबंधन के संबद्ध नियोजको और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 225/2014 और एलसी 11/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21/03/2024 को प्राप्त हुआ था।

[सं. एल-11012/27/2014 -आई.आर.सी.एम-I]

मणिकंदन. एन, उप निदेशक

New Delhi, the 19th April, 2024

S.O. 785.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 225/2014 & LC 11/2014**) of **the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad** as shown in the Annexure, in the industrial dispute between the Management of **Air India Ltd.** and **their workmen** received by the Central Government on **21/03/2024**.

[No. L-11012/27/2014— IR (CM-I)]

MANIKANDAN. N, Dy. Director

ANNEXURE**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT
HYDERABAD**Present: - **Sri IRFAN QAMAR**

Presiding Officer

Dated the 20th day of February, 2024**INDUSTRIAL DISPUTE No. 225/2014 & LC 11/2014**

Between:

Ms. Azzizunnisa,

D/o Sri M.A. Mujeeb,

H.No.195, Beside Dargah, Karkhana,

Secunderabad.

.....Petitioner

AND

1. The Chairman and Managing Director,

Air India Ltd.,

Airlines House, 113, Gurudwara Rakabganj Road,

New Delhi – 110 001.

2. The Regional Director,

Air India Ltd.,

Chennai.

3. The Deputy General Manager (Personnel)

Air India Ltd.,

Engineering Complex, Begumpet,

Hyderabad – 500016.

... Respondents

Appearances:

For the Petitioner : M/s. A. Nagendra Rao & S. Dev Raj, Advocates

For the Respondent : M/s. V. Uma Devi & N. Srinivas, Advocates

COMMON AWARD

Petitioner Ms. Azzisunnisa, D/o Sri M.A. Mujeeb has filed application u/s 2A(2) of the I.D. Act, 1947 before this Labour Court which was numbered as LC 11/2014. Later, reference was received from Government of India, Ministry of Labour bearing No. L-11012/ 27/2014-IR(CM-I) dated 7.10.2014 under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of Air India Ltd., and their workman. The reference is,

SCHEDULE

“Whether the action of the Management in not regularizing the services of Ms. Azzizunnisa, D/o Sri M.A. Mujeeb in the post of Typist is justified? To what relief the workman is entitled to?”

The reference is numbered in this Tribunal as I.D. No. 225/2014 and notices were issued to the parties concerned and the Petitioner entered appearance. Since the cause of action and parties to the dispute as well as prayer involved in both the cases cited above are one and the same, both the cases were clubbed vide order dated 31.1.2017 and disposed off vide common award.

2. Petitioner absent on the date fixed for Petitioner evidence. Record shows that the case is posted for Petitioner's evidence since July, 2023 and no evidence is adduced by the Petitioner till date. In view of absence of the Petitioner and on-production of evidence, to substantiate her claim, case is dismissed for default and a 'No Claim' award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant, corrected by me on this the 20th day of February, 2024.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the

Witnesses examined for the

Petitioner

Respondent

NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 24 अप्रैल, 2024

का.आ. 786.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एयर इंडिया लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 227/2014 और एलसी 19/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21/03/2024 को प्राप्त हुआ था।

[सं. एल-11012/25/2014 -आई.आर.सी.एम-1]

मणिकंदन. एन, उप निदेशक

New Delhi, the 24th April, 2024

S.O. 786.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 227/2014 & LC 19/2014) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the Management of Air India Ltd. and their workmen received by the Central Government on 21/03/2024.

[No. L-11012/25/2014- IR (CM-I)]

MANIKANDAN. N, Dy. Director

ANNEXURE**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD**Present: - **Sri IRFAN QAMAR**

Presiding Officer

Dated the 20th day of February, 2024**INDUSTRIAL DISPUTE No. 227/2014 & LC 19/2014**

Between:

Ms. R. Arunjyothi,

D/o Sri Narayan Swamy,

H. No. 3-3-340/A, Chappal Bazar,

Hyderabad.

.....Petitioner

AND

1. The Chairman and Managing Director,

Air India Ltd.,

Airlines House, 113, Gurudwara Rakabganj Road,

New Delhi – 110 001.

2. The Regional Director,
Air India Ltd.,
Chennai.
3. The Deputy General Manager (Personnel)
Air India Ltd.,
Engineering Complex, Begumpet,
Hyderabad – 500016. ... Respondents

Appearances:

For the Petitioner : M/s. A. Nagendra Rao & S. Dev Raj, Advocates
For the Respondent : M/s. V. Uma Devi & N. Srinivas, Advocates

COMMON AWARD

Petitioner Ms. R. Arunjyothi, D/o Sri R. Narayana Swamy has filed application u/s 2A(2) of the I.D. Act, 1947 before this Labour Court which was numbered as LC 19/2014. Later, reference was received from Government of India, Ministry of Labour bearing No. L-11012/ 25 /2014-IR(CM-I) dated 7.10.2014 under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of Air India Ltd., and their workman. The reference is,

SCHEDULE

“Whether the action of the Management in not regularizing the services of Ms. R. Arunjyoti, D/o Sri R. Narayana Swamy in the post of Telephone Operator is justified? To what relief the workman is entitled to?”

The reference is numbered in this Tribunal as I.D. No. 227/2014 and notices were issued to the parties concerned and the Petitioner entered appearance. Since the cause of action and the parties to the dispute as well as prayer involved in both the cases cited above are one and the same, both the cases were clubbed vide order dated 31.1.2017 (Passed in LC11/2014) and disposed off vide common award.

2. Petitioner absent on the date fixed for Petitioner evidence. Record shows that the case is posted for Petitioner's evidence since July, 2023 and no evidence is adduced by the Petitioner till date. In view of absence of the Petitioner and non-production of evidence, to substantiate her claim, case is dismissed for default and a 'No Claim' award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant, corrected by me on this the 20th day of February, 2024.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the
Petitioner

Witnesses examined for the
Respondent

NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 24 अप्रैल, 2024

का.आ. 787.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एयर इंडिया लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 219/2014 और एलसी 15/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21/03/2024 को प्राप्त हुआ था।

[सं. एल-11012/33/2014 -आई.आर.सी.एम-1]

मणिकंदन. एन, उप निदेशक

New Delhi, the 24th April, 2024

S.O. 787.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 219/2014 & LC 15/2014**) of **the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad** as shown in the Annexure, in the industrial dispute between the Management of **Air India Ltd.** and **their workmen** received by the Central Government on **21/03/2024**.

[No. L-11012/33/2014– IR (CM-I)]

MANIKANDAN. N, Dy. Director

ANNEXURE

**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT
HYDERABAD**

Present: - **Sri IRFAN QAMAR**

Presiding Officer

Dated the 20th day of February, 2024

INDUSTRIAL DISPUTE No. 219/2014 & LC 15/2014

Between:

Sri M. Ramulu,

S/o Late Sri M. Yadaiah,

H. No. 8-1-68/58,

Balajinagar Colony,

Shaikpet, Hyderabad – 500 008.

.....Petitioner

AND

1. The Chairman and Managing Director,

Air India Ltd.,

Airlines House, 113, Gurudwara Rakabganj Road,

New Delhi – 110 001.

2. The Regional Director,

Air India Ltd.,

Chennai.

3. The Deputy General Manager (Personnel)

Air India Ltd.,

Engineering Complex, Begumpet,

Hyderabad – 500016.

... Respondents

Appearances:

For the Petitioner : M/s. A. Nagendra Rao & S. Dev Raj, Advocates

For the Respondent : M/s. V. Uma Devi & N. Srinivas, Advocates

COMMON AWARD

Petitioner Sri M. Ramulu, S/o Late Sri M. Yadaiah has filed application u/s 2A(2) of the I.D. Act, 1947 before this Labour Court which was numbered as LC 15/2014. Later, reference was received from Government of India, Ministry of Labour bearing No. L-11012/33/2014-IR(CM-I) dated 7.10.2014 under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of Air India Ltd., and their workman. The reference is,

SCHEDULE

“Whether the action of the Management in not regularizing the services of Sri M. Ramulu, S/o Late Sri M. Yadaiah in the post of Helper (Canteen) is justified? To what relief the workman is entitled to?

The reference is numbered in this Tribunal as I.D. No. 219/2014 and notices were issued to the parties concerned and the Petitioner entered appearance. Since the cause of action and parties to the dispute as well as prayer involved in both the cases cited above are one and the same, both the cases were clubbed vide order dated 31.1.2017 (Passed in LC11/2014) and disposed off vide common award.

2. Petitioner absent on the date fixed for Petitioner evidence. Record shows that the case is posted for Petitioner's evidence since July, 2023 and no evidence is adduced by the Petitioner till date. In view of absence of the Petitioner and non-production of evidence, to substantiate his claim, case is dismissed for default and a 'No Claim' award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant, corrected by me on this the 20th day of February, 2024.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the
Petitioner
NIL

Witnesses examined for the
Respondent
NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 24 अप्रैल, 2024

का.आ. 788.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कोलियरी ऑफ़ बी सी सी एल के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, धनबाद-I के पंचाट (संदर्भ संख्या 126/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22/02/2024 को प्राप्त हुआ था।

[सं. एल-20012/25/2001 -आई.आर.सी.एम-I]

मणिकंदन. एन, उप निदेशक

New Delhi, the 24th April, 2024

S.O. 788.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 126/2001**) of **the Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-I** as shown in the Annexure, in the industrial dispute between the Management of **Colliery of BCCL**. and **their workmen** received by the Central Government on **22/02/2024**.

[No. L-20012/25/2001– IR (CM-I)]

MANIKANDAN. N, Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL -CUM-LABOUR COURT (No. 1), DHANBAD.

PRESENT: Shri Ananda Kumar Mukherjee,
Presiding Officer / Link Officer,
C.G.I.T-cum-L.C. (No. 1), Dhanbad.

REFERENCE CASE NO. 126 OF 2001

PARTIES: Dharendra Nath Rajwar
Vs.
Management of Salanpur Colliery of BCCL

REPRESENTATIVES:

For the Union/Workman: None.

For the Management of BCCL: None.

INDUSTRY: Coal

STATE: Jharkhand.

Dated: 19.01.2024

AWARD

In exercise of powers conferred under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order No. **L-20012/25/2001C-I** dated 22.05.2001 has been pleased to refer the following dispute between the employer, that is the Management of Salanpur Colliery of Bharat Coking Coal Limited and their workman for adjudication by this Tribunal.

SCHEDULE

“Whether the action of the management of Salanpur Colliery of M/s BCCL in dismissing Sri Dhirendra Nath Rajwar from the services of company w.e.f. 17.7.96 is justified? If not, to what relief is the concerned workman entitled?”

1. On receiving Order No. **L-20012/25/2001 C-I** dated 22.05.2001 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a **Reference case No. 126 of 2001** was registered on 20.06.2001. As none appeared Notices were issued to both parties on 02.12.2021, directing them to appear and take proper steps in support of their claims.
2. The Reference case is fixed up today for appearance of the parties. On repeated calls at 1.20 pm none appeared for the workman and the employer. The regular Presiding Officer has retired from service. I am incharge as Presiding Officer / Link Officer of Central Government Industrial Tribunal -cum- Labour Court (No. 1), Dhanbad.
3. The case is pending for twenty-two years. It appears to me that the concerned workman is not inclined to proceed with the case. Hence, the Industrial Dispute is dismissed in the form of a No Dispute Award.

Hence,

ORDERED

That a No Dispute Award be drawn up in respect of the above Reference case. Let copies of the Award in duplicate be sent to the Ministry of Labour and Employment, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer/Link Officer

नई दिल्ली, 25 अप्रैल, 2024

का.आ. 789.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार जिला मजिस्ट्रेट (पूर्व), जीएनसीटी, दिल्ली, के प्रबंधन के संबद्ध नियोजकों और उनके कामगार, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-1 नई दिल्ली पंचाट (संदर्भ संख्या (आईडी नंबर 288/2023, श्री तरुण कुमार और 38 अन्य, (आईडी नंबर 283/2023, श्री कंवर मुनींद्र और 2 अन्य), (आईडी नंबर 221/2023, श्री प्रवीण त्यागी और 1 अन्य,) , (आईडी क्रमांक 289/2023, श्री गोपाल पांडे एवं 15 अन्य), (आईडी क्रमांक 287/2023, श्री आकाश वर्मा एवं 27 अन्य), (आईडी क्रमांक 290/2023, श्री शशांक शर्मा एवं 11 अन्य), (आईडी क्रमांक 284/2023, श्री साजन), (आईडी नंबर 286/2023, श्री रोहित पाल और 13 अन्य), (आईडी नंबर 285/2023, श्री धीरज तिवारी और 6 अन्य), (आईडी नंबर 245/2023, श्री मोहम्मद साजिद और 16 अन्य), (आईडी नंबर 246/2023, श्री प्रशांत), (आईडी नंबर 247/2023, श्री अर्धेदौ और 40 अन्य), (आईडी नंबर 248/2023, श्री जितेंद्र और 11 अन्य), (आईडी नंबर 249/2023, श्रीमती आशा देवी और 1 अन्य), (आईडी नंबर 250/2023, श्री मुजाहिद अली और 9 अन्य) और (आईडी नंबर 323/2023, श्री सुमित कुमार), द्वारा -महासचिव, दिल्ली शासन विकास विभाग औद्योगिक

कर्मचारी संघ, तीस हजारी दिल्ली को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 24.04.2024 को प्राप्त हुआ था।

[सं. एल-42025-07-2024-62-आईआर (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 25th April, 2024

S.O. 789.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**ID No. 288/2023, Shri Tarun Kumar and 38 others, (ID No. 283/2023, Shri Kanwar Muninder and 2 others),(ID No. 221/2023, Shri Praveen Tyagi and 1 other,), (ID No. 289/2023, Shri Gopal Pandey and 15 others), (ID No. 287/2023, Shri Akash Verma and 27 others,), (ID No. 290/2023, Shri Shashank Sharma and 11 others), (ID No. 284/2023, Shri Sajan), (ID No. 286/2023, Shri Rohit Pal and 13 others), (ID No. 285/2023, Shri Dhiraj Tiwari and 6 others), (ID No. 245/2023, Shri Mohd. Sajid and 16 others), (ID No. 246/2023, Shri Parshant), (ID No. 247/2023, Shri Ardhendau and 40 others), (ID No. 248/2023, Shri Jitender and 11 others), (ID No. 249/2023, Smt. Asha Devi and 1 other), (ID No. 250/2023, Shri Mujahid Ali and 9 others) and (ID No. 323/2023, Shri Sumit Kumar), through-The General Secretary, Delhi Parshashan Vikas Vibhag Industrial Employees Union, Tis Hazari Delhi, of the Central Government Industrial Tribunal cum Labour Court – I New Delhi as shown in the Annexure, in the Industrial dispute between the employer namely **The District Magistrate (East), GNCT, New Delhi, and Their Worker**, which was received along with soft copy of the award by the Central Government on 24.04.2024.**

[No. L-42025-07-2024-62-IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE

CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT DELHI-1

Misc. Application No. 11/2024 in ID No. 288/2023

Sh. Tarun Kumar and 38 others

Claimants

VERSUS

District Magistrate (East). GNCT, Delhi

Management

With

1. **Misc. Application No. 19/2024 in ID No. 283/2023**

Sh. Kanwar Muninder and 2 others Vs. District Magistrate (East). GNCT, Delhi

2. **Misc. Application No. 12/2024 in ID No. 221/2023**

Sh. Praveen Tyagi and 1 other Vs. District Magistrate (East). GNCT, Delhi

3. **Misc. Application No. 24/2024 in ID No. 289/2023**

Sh. Gopal Pandey and 15 others Vs. District Magistrate (East). GNCT, Delhi

4. **Misc. Application No. 23/2024 in ID No. 287/2023**

Sh. Akash Verma and 27 others Vs. District Magistrate (East). GNCT, Delhi

5. **Misc. Application No. 25/2024 in ID No. 290/2023**

Sh. Shashank Sharma and 11 others Vs. District Magistrate (East). GNCT, Delhi

6. **Misc. Application No. 20/2024 in ID No. 284/2023**

Sh. Sajan Vs. District Magistrate (East). GNCT, Delhi

7. **Misc. Application No. 22/2024 in ID No. 286/2023**

Sh. Rohit Pal and 13 others Vs. District Magistrate (East). GNCT, Delhi

8. **Misc. Application No. 21/2024 in ID No. 285/2023**

Sh. Dhiraj Tiwari and 6 others Vs. District Magistrate (East). GNCT, Delhi

9. Misc. Application No. 13/2024 in ID No. 245/2023

Mohd. Sajid and 16 others Vs. District Magistrate (East). GNCT, Delhi

10. Misc. Application No. 14/2024 in ID No. 246/2023

Sh. Parshant Vs. District Magistrate (East). GNCT, Delhi

11. Misc. Application No. 15/2024 in ID No. 247/2023

Sh. Ardhendau and 40 others Vs. District Magistrate (East). GNCT, Delhi

12. Misc. Application No. 16/2024 in ID No. 248/2023

Sh. Jitender and 11 others Vs. District Magistrate (East). GNCT, Delhi

13. Misc. Application No. 17/2024 in ID No. 249/2023

Smt. Asha Devi and 1 other Vs. District Magistrate (East). GNCT, Delhi

14. Misc. Application No. 18/2024 in ID No. 250/2023

Mujahid Ali and 9 others Vs. District Magistrate (East). GNCT, Delhi

15. Misc. Application No. 26/2024 in ID No. 323/2023

Sh. Sumit Kumar Vs. District Magistrate (East). GNCT, Delhi

Shri Rajiv Aggarwal, A/R for the claimants.

Ms. Laavanya Kaushik, A/R for the managements.

ORDER

By Justice Vikas Kunvar Srivastava (Retd.)

(Presiding Officer)

This order is intended to decide miscellaneous applications moved by claimants to grant ad interim relief in their favour against the management of GNCTD in ID No. 288/2023 **Sh. Tarun Kumar and others Vs. District Magistrate (East GNCTD, Delhi)** with similar prayer in several other Industrial Dispute cases detailed and described hereinabove with the same facts, issues and evidence involved therein. In view of the above the industrial disputes and miscellaneous applications referred above are taken up jointly for the purpose of consolidated hearing and decision through a common order. The Industrial Dispute case of Shree Tarun Kumar and Others V. GNCTD is termed leading case for the purpose of consolidated hearing and decision upon the instant miscellaneous application for interim relief.

FACTUAL MATRIX

Before going through the contents of Miscellaneous Application bearing number 11/2024 in the leading industrial dispute case of Tarun Kumar and others with other like applications moved in their respective industrial dispute cases referred here above it would be pertinent to have reference made by the Central Government *vide* order No. ND-25/II-58/2023-IR dated 30.11.2023 as an example because on similar references made by the same appropriate government other industrial dispute cases referred here above are also registered and pending for adjudication before this CGIT - cum-Labour Court, they shall be read mutatis mutandis in their respective I.D. Cases wherever required. It runs as under-

1. *“Whether the office of the District Magistrate (East), Govt. of NCT of Delhi is covered under the definition of ‘industry’ u/s 2 (j) of the Industrial Disputes Act, 1947 in relation to the work performed by the claimants Shri Tarun Kumar & 38 others (details mentioned in Annexure A)?*
2. *Whether the claimant Shri Tarun Kumar & 38 others (details mentioned in Annexure-A) are covered under the definition of ‘workman’ u/s 2(s) of the Industrial Disputes Act, 1947?*
3. *If so, whether the demands of Sh. Tarun Kumar & 38 others (details mentioned in Annexure-A) through Delhi Parshashan Vikas Vibhag Industrial Employees Union against the management of District Magistrate (East), GNCT of Delhi for regularization of their services on their respective post from their initial date of joining into employment with difference of salary on the principal of “Equal Pay for Equal Work” from their initial date of joining and all consequential benefits thereof are fair, legal and justified? If yes, then for what relief the workmen are entitled to and what directions are necessary in this respect?”*

The industrial dispute scheduled in all such references made by the appropriate government is directed against the management of District Magistrate (East), GNCT, Delhi, impleaded as opposite party in the statement of claim in all the consolidated industrial dispute cases.

The claimants workmen who are detailed and described with their initial date of joining and designation in concerned departments of GNCTD in Charts under the heading “**SCHEDULE**” annexed at the bottom of this order have stated in their claim statement that the office of the management/opposite party, District Magistrate (East) in NCT of Delhi conducts functions such as magisterial matters, revenue courts, issue of various statutory documents, registration of property, conduct of elections, relief and rehabilitations, land acquisition and various other functions. The claimants/workmen joined into employment in office of the management with effect from the date as mentioned in said charts have been working as Data Entry Operators, Drivers, Security Guard, Computer Operator, Court Reader, Diary Dispatcher, Court Attendant and EOC Operators in the establishments of the management which are severable from the sovereign and regal functions of the management and as such in relation to the works having been done by them the management comes within the ambit of “industry” as defined in the Industrial Dispute Act, 1947 (for the purpose of brevity which shall here in after be called as “ the Act” only).

The workmen were currently being paid wages at the rate of Rs.844/- per day which in month payable to the workmen for the actual number of days they have worked. The works performed by the workmen are regular and perennial in nature, still the management shows the workmen engaged for 89 days followed by one day un natural break which is only on papers while workmen use to attend duties on the day of that mandatory un natural break also. They do work 12 hours every day without payment of overtime wages. They are made to work all days in a month, still they are not paid their salary of two days every month. The workmen concerned have been working against vacant posts of their designation shown in the chart continuously from the date of their initial joining. The workmen concerned have also joined the civil defence corps as volunteers with spirit to serve humanity in the event of any disaster without expecting valuable consideration in lieu of their contribution with the no objection accorded by their department to attend call out duty in the disaster management by the civil defence corp. for such call out duty neither the management is employer nor the volunteers are employee and that stands on the footing of quite a different contribution than that of service as workman rendered at their place of employment in GNCTD.

The concerned workmen raised their grievances through the Labour Union namely, “**Delhi Prashasan Vikas Vibhag Industrial Employee Union**”. The management, irrespective of the actual status of the workmen concerned in employment of GNCTD shows them as volunteers engaged from the Civil Defence Volunteers Corps with a view to deny the employment benefit to the workmen. But when the management did not pay heed, the same was agitated before the conciliation officer of the Labour Department of Central Government. The conciliation officer vide order dated 06.10.2023 issued notice to the management and advised them to adhere to the provision of Section 33 of the ID Act with respect to service condition of the workmen. Despite that, the management tried to terminate the services of the concerned workmen. Apprehending their source of livelihood imperilled workmen approached the High Court of Delhi filing a writ petition no. W.P. (C) 14210/2023. Hon’ble High Court vide order dated 30.10.2023 issued following directions:

“10. Considering these facts and circumstances, and the letter and spirit of Section 33 of the ID Act, at this stage, it would be apposite that the following directions be passed in the interim:

i. The Conciliation Officer/respondent No. 2 will endeavour to dispose of the matter at the earliest, preferably within a period of one month from today, with the cooperation of all the parties.

ii. In the meantime, till the decision of Conciliation Officer no precipitative action shall be taken with regard to the existing engagement of the petitioners.

iii. As regards the contentions raised by the Government of NCT of Delhi in respect of the jurisdiction and maintainability, the same may be considered by the Conciliation Officer, if so pressed by the Government.”

It is case of workmen that when despite the direction of the Hon’ble High Court quoted hereinabove the management terminated the services of the workmen in management of GNCTD of in the garb of terminating continuing call out duties by issuing office order dated 31.10.2023. Office order dated 31.10.2023 was served upon workmen concerned on 02.11.2023. The office order 31.10.2023 runs as under:

“Whereas, as per provision of the Civil Defence Act, 1968 and rules and regulations thereunder, the civil Defence Volunteers (CDVs) are to be disaster called out only for dealing with hostile attack or for management;

And whereas, it has been called for duties in various departments of GNCTD which is contrary to the provisions of the Civil Defence Act, 1968 and the rules & regulations made thereunder;

And whereas, it has been noted that the aforesaid call out of Civil Defence Volunteer needs to be ended with immediate effect;

Now therefore, Director Civil Defence/Divisional Commissioner is pleased to end to all its members of Civil Defence Corps (Civil Defence Volunteers) Deployed in any) department/office with effect from 31 Oct, 2023 (A/N).

This issues with the approval of the Competent Authority.”

At this stage the workmen concerned moved again to the High Court in W.P. (C)14210/2023 and CM Application no.56270/2023 praying that:

- a) *The protection granted by the predecessor Bench of this Court vide order dated 6th December 2023, may be extended till decision on the application for interim relief before the Ld. CGIT.*
- b) *In cases where interim protection has not been granted vide order dated 6th December 2023, interim relief may be granted by this court.*

The Hon'ble High court took notice of the fact that the opposite party/ management filed an appeal against the order of the High Court dated 06.12.2023 to the division bench but which were withdrawn by GNCTD on oral observation of the court that the aforesaid order warrant no interference. Therefore, the High Court *per contra*, the learned Counsel appearing on behalf of the GNCTD/respondent whilst opposing the contentions raised by the petitioners agreed that the prayer as sought by the petitioner during the course of proceeding may be granted by this Court.

As per order dated 24.01.2024 passed by the Hon'ble High Court of Delhi in the W.P.(C). 14210/ 2023:

“12. In view of the aforesaid discussion, petitioner are directed to approach the CGIT with an application, if not filed, within two weeks from today seeking interim relief and the Ld. CGIT is directed to decide the dispute in relation to the entitlement of petitioner for the grant of any interim relief as expeditiously as possible in accordance with law without being influenced by any of the proceedings before this court. It is further directed that the CGIT shall not grant any unnecessary adjournments to either party.”

In the instant misc. application it is stated that workmen/claimants have also moved complaint under section 33 A of the Act in connection with the above industrial dispute and also that their services have been illegally terminated by the management whilst the said industrial dispute is pending for adjudication. It is further stated that despite the direction of the Hon'ble High Court dated 06.12.2023 regarding payment of wages and continuance of duties, the management did not pay the salary for the month of Nov 2023 and so on. They have been rendered unemployed after that. They have young family and old parents to take care of. They also have to pay many of their liabilities such as EMIs etc. However, the management showing a vindictive approach terminated their services.

In the wake of above facts instant application prays to grant interim relief during the pendency of the Industrial Dispute as well the complaint under section 33 A of the Act in terms of wages last drawn every month and to issue direction to the management to take back the workmen on duty and pass any such other order as deemed fit in favour of the workmen as against the management.

In written statement as against the claim statement of the workmen and also reply to the complaint under section 33 of the Act, the management states claimants only volunteers of Civil Defence Corps deployed for dealing with disaster management or hostile attacks, as such they are not workmen. Government of NCT of Delhi and its department are not an industry since they perform sovereign functions of the state. However, it is stated by the management that a person may get himself enrolled as volunteer of Civil Defence Corps to contribute services in case of any disaster. Any person is eligible to be enrolled as volunteer, even those, who possess primary education i.e. forth standard and be a resident of Delhi only. This is also made clear that the individuals being businessmen/ serving in private sector or Govt. service or involved in any other business activities get themselves enrolled as volunteers. After their enrolment they undergo 5 days training in Firefighting, Flood Management, Earthquake Management, and Self defense. The GNCT has approximately 1,75,000 Volunteers enrolled with Civil Defence Corps whose services are used whenever required.

In the light of above facts the instant miscellaneous applications in concerned ID case intended to be decided, the Ld. AR for the workmen/claimants Shree Rajiv Agarwal , Advocate and one learned counsel Ms. Laavanya Kaushik, Advocate opted to argue the case on behalf of the Standing Counsel of GNCTD Ms. Avnish Ahlawat, Advocate though on the ground of learned standing counsel hearing on the last preceding date was passed over and deferred.. parties are heard over the instant application.

ARGUMENTS

The thrust of the argument opposing the prayer of claimants as interim relief during pendency of the industrial dispute is on the words “Deployment is voluntary in nature only on need basis under the provision of Civil Defence Act” and

the claimants as volunteers deployed under the Civil Defence Act at the time of enrolment submitted no objection certificate from their employer/undertaking that the employer has no objection to the individual volunteering with Civil Defence Corps. Therefore, the claimants could not ask their permanence/regularization on their posts because their deployment is not against a particular post nor they have undergone through a recruitment process for their present assignment. The posts are not sanctioned nor is there any approval from the Finance Department. No exercise by the workmen has ever been done to identify the requirement of the posts. No special budget is sanctioned for such deployment. Their claim of regularization and permanence in service is hit by the Apex Courts judgment in **State of Karnataka Vs. Uma Devi (2006) 1 SCC 1**. In their written submission the management opposite party has referred standing orders of 2015, 2016, 2021, & 2022 which prescribe that a Civil Defence Volunteer shall not be allowed to serve at the same place for a period of more than one year. On this score the management preferred argument that claimants' continuous engagement on call out duty was ex facie illegal, paying a contravention to the statue does not confer any legal right to the claimants to continue. They relied on **judgment dated 22.09.2022 in WP (C) 6526/2021, GNCTD Vs. Priyanka**, judgment in **Renu Vs. District session Judge (2014) 15 SCC 731**, **Shiv Kumar Vyas Vs. IGNOU & Ors. 2000 (53) DRJ 781**. Argument by the opposite party/ management is also preferred to impress that they have not been call out for duty continuously and recurringly but they are called on intermittently with considerable length of time in various years. Therefore, the claims or permanence and regularization on their posts they were working be dismissed. For this, they relied on **Arunima Baruah V. Union of India (2007) 6 SCC 120**, **Prestige Lights Ltd., V. State Bank of India (2007) 8 SCC 449**, **Udyami Evam Khadi Gramodyog Welfare Sanstha and anr. V. State of Uttar Pradesh (2008) 1 SCC 560**, **K.D. Sharma v. Steel Authority of India Ltd & Ors. (2008) 12 SCC 481**, **Amar Singh V. Union of India and Ors. (2010) 2 SCC 114**, **Kishore Samrite V. State of U.P. & Others (2013) 2 SCC 398**. Further it is argued that claimants, being volunteers do not have any employee or employer relationship, therefore, their claim is baseless for which they relied on judgments. **Judgment dated 18.05.2015 in W.P(C) 3589/2015 Kanta Devi Vs. M/s Sarvodaya Kanya Vidyalaya & Anr., Union Of India & Anr. Vs. Chhote Lal & Ors. Reported as (1991) 1 SCC 544**, **Balwant Rai Saluja Vs. Air India Limited & Ors. Reported as (2014) 9 SCC 407**, **Workmen of Nilgiri Coop. MKt. Society Ltd. Vs. State of Tamil Nadu & Ors. (2004) 3 SCC 514**, **State of Madhya Pradesh & Ors. Vs. Sandhya Tomar & Ors. (2013) 11 SCC 357**. It is impressed by the opposite party that the present industrial dispute is raised seeking benefit of section 33 of ID Act wrongfully to seek continuance of their engagement in the garb of the interim orders in which legally they are not entitled to in view of the judgments referred. **BA Security Agents Employees Union Vs. Regional Labour Commissioner & Ors. 2010 SCC Online Del 1028**, **Central Warehousing Corporation Vs. Govt. of India & Ors. 2022 SCC On Line Del 1663**, **Delhi Puplic Library Vs. Govt. of NCT of Delhi 2019 SCC Online Del 9699**, **Sh. Dorairaj Spintex Vs. R Chitti Babu and Ors., (2021) 12 SCC 38**. Lastly it is submitted that law is well settled that there cannot be any regularization of any person working as a volunteer or for carrying on any volunteer activity. Reliance is placed on the judgments. **Grah Rakshak Home Guards Welfare Association Vs. State of Himachal Pradesh and Ors. Reported in (2015) 6 SCC 247**, **Jiban Krishna Mondal & Ors. Vs. State of West Bengal & Ors. Reported as (2015) 12 SCC 74**, **Man Sukh Lal Rawal & Ors. Vs. Union of India & Ors. Reported as 1999 (50) DRJ (DB)**, **Rajesh Mishra & Ors. Vs. Govt. of NCT of Delhi & Ors. Reported as ILR (2002) I DELHI 684**. It is argued vehemently that by virtue of Section 14 (1) of the Civil Defence Act, 1968 the courts cannot interfere with orders passed under the Civil Defence Act, 1968.

After having heard the Ld. Counsel for the parties to the industrial dispute on the application meant to seek interim relief in the nature and terms of payment of wages to the claimants as workmen and to issue suitable direction if any to the management, this Industrial Tribunal proceeds as under.

DISCUSSIONS

Hon'ble High Court in order dated Jan 24, 2024 has directed the workmen/ claimants to approach the CGIT seeking interim relief and has also been pleased to direct the CGIT to decide the dispute in relation to the entitlement of the claimants (Petitioner before the Hon'ble High Court) for the grant of any interim relief as expeditiously as possible in accordance with law.

INCIDENTAL POWER OF THE INDUSTRIAL TRIBUNAL CUM LABOUR COURT TO GRANT INTERIM RELIEF OF INJUNCTION

In this regard the judgment of the Apex Court of India delivered in **Hindustan Liver Ltd. Vs. Ashok Vishnu Kate and ors. Reported (1995) 6 SCC 326 AIR 1996 Supreme Court 285**. It is held that the Central Government Industrial Tribunal cum Labour Court will have the power to grant injunction as an incidental power. The concerned Labour Court should meticulously scan the allegations in the complaint and if necessary, get the necessary investigation made in the light of such complaint and only when very strong prima facie case is made out by the complainant appropriate interim orders intercepting the complained order. Such order should not be asked for mere askance by the Labour Courts.

Before to go further in the discussions it would also be pertinent to understand the word **prime facie** referred in the above judgment of the Apex Court. Prima facie is a term that translates to "at first sight" or "Based on first impression". The phrase "Prima Facie" is used to describe a fact are presumption that is sufficient to be regarded as

true unless otherwise rebutted or disproved. In law, it can refer to either evidence that is regarded plausible but susceptible to refutation or a stage in pre trial proceeding in which it is assessed whether the plaintiff/complainant has a sufficiently plausible case to go to trial. In others words prime facie is a legal term or a legal claim which is made when the plaintiff/complainant has enough evidence to proceed with a trial on the basis of which if he is given opportunity to prove them and if succeeding in proving them a possible decree are award may be in his favour.

In the instant matter of Industrial dispute which is regarding claim of regularization and permanence in employment on the basis of prolonged continuous engagement of the claimants as workmen on the posts they held under the industrial dispute Act. A Complaint under section 33 of the Industrial dispute Act is also pending before this tribunal complaining the interruption in terms and conditions as well as the status of the claimants despite the dispute had already been raised before the competent authority of the Labour Department and also in disobedience of his restraining order to not to disturb services of workmen and also in disobedience of the order of the Hon'ble High Court not to interfere with the terms and conditions and not to precipitate the workmen in contravention of mandatory provision of section 33. Interim application with prayer to issue directions to the management is moved on behalf of the claimants/workmen that they should be directed to continue with the payment of wages at the rate they lastly drawn during the pendency of the dispute raised initially before the conciliation officer of the labour department, before the High Court and presently before this industrial tribunal. The occasion to move such a prayer accrued to the claimants by virtue of the order of the management terminating their services in blatant violation of the mandatory prohibition under section 33, and in disobedience orders of the High Court.

. Hon'ble Justice J.S. Khehar in the case of **Subrata Roy Sahara V. Union of India reported in (2014) 8 SCC 470** at Para 185.2 laid down that ***“Disobedience of orders of a court strikes at the very root of the rule of law on which the judicial system rests. Judicial orders are bound to be obeyed at all costs. Howsoever grave the effect may be, is no answer for non-compliance of a judicial order. Judicial orders cannot be permitted to be circumvented”***.

The roots and origin of concept of interim/interlocutory order in the Indian context can be raised from the provision of order 39 rule 1,2 and 3 CPC, which are repository powers to grant interim relief of temporary injunction.. The industrial tribunal cum labour Court exercises a quasi judicial function in adjudicating the industrial dispute referred to or brought before it but, the adjudication presupposes the tribunal to proceed in judicial manner and discretion. Supreme Court of India has also propounded the same principal in **Colgate Palmolive (India) Ltd. Vs. Hindustan Liver Ltd. (1999) 7 SCC 1, 13, 14 AIR 1999 Supreme Court 3105**, by holding and enumerating the broad parameters that should govern the judicial discretion in passing of interim/interlocutory/temporary orders by Indian Court. In Para 24 of the said judgment it is held;

“ We, however, think it fit to note hereinabove certain specific considerations in the matter of grant of the interlocutory injunction, the basic being non-expression of opinion as to the merits of the matter by the court, since the issue of grant of injunction, usually, is at the earliest possible stage so far as the time-frame is concerned. The other considerations which ought to weigh with the court hearing the application or petition for the grant of injunction are as below:

- I. *Extent of damages being an adequate remedy.*
- II. *Protect the plaintiff's interest for violation of his rights through, however, having regard to the injury that may be suffered by the defendants by reason thereof.*
- III. *The Courts while dealing with the matter ought not to ignore the factum of the strength of one party's case is stronger than the other's.*
- IV. *No fixed rules or notions ought to be had in the matter of grant of the injunction but on the facts and circumstances of each case the relief being kept flexible.*
- V. *The issue is to be looked at from the point of view as to whether on the refusal of the injunction the plaintiff would suffer irreparable loss and injury keeping in view the strength of the parties' case.*
- VI. *Balance of convenience even if there is a serious question or prima facie case in support of the grant.*
- VII. *Whether the grant or refusal of the injunction will adversely affect the interest of the general public which can or cannot be compensated otherwise.”*

An Industrial tribunal cum labour court has incidental power to pass order granting interim relief to the claimant till the passing of final award has already been settled by the Apex Court in the **Hindustan Liver Ltd. Vs. Ashok Vishnu Kate (Supra)** under section 10 (4) and Section 2 (b) of the Act. Section (10) 4 and Section 2 (b) of the Act are respectively reproduced here under for the purpose of easy reference and smoothness in further discussions-

Section 10 (4) *“Where in an order referring an industrial dispute to {a labour Court, Tribunal or National Tribunal} under this section or in a subsequent order, the appropriate Government has specified the points of dispute for adjudication, {the Labour Court or the Tribunal or the National Tribunal, as the case may be,} shall confine its adjudication to those points and matters incidental thereto.”*

Section 2 (b) “award” means an interim or a final determination of any industrial dispute or of any question relating thereto by any Labour Court, Industrial Tribunal or National Industrial Tribunal and includes an arbitration award made under section 10 A”;

The words “....and matters incidental thereto....” is explained by Supreme Court in Case titled as “**Management of Hotel Imperial Vs. Hotel Workers Union**”, AIR 1959 Supreme Court 1342 suggests that there is no bar for an industrial tribunal to grant interim relief, it further suggest that ordinarily the interim relief should not be the whole relief that the party should get if they succeed finally Para’s 21 & 22 of the above judgment are reproduced here under with great regard.

“Para 21. After a dispute is referred to the tribunal under section 10 of the Act, it is enjoined on it by section 15 to bold its proceeding expeditiously and on the conclusion thereof submit its award to the appropriate government. An “award” as defined in section 2 (b) of the Act as meaning “an Interim or final determination by an industrial Tribunal of any industrial dispute or of any question relating thereto. “where an order referring and specifying the points of dispute for adjudication, the tribunal has to confine its adjudication to those points and matters incidental thereto; (Section 10(4). It is urged on behalf of the appellants that the tribunal in these cases had to confine itself to adjudicating on the points referred and that as the question of interim relief till the decision of the tribunal with respect to the same matter would be a matter incidental thereto under section 10 (4) and need not be specifically referred in terms to the tribunal. Thus interim relief where it is admissible can be granted as a matter incidental to the main question referred to the tribunal without being itself referred in express terms. The next question is as to how the tribunal should proceed in the matter if it decides to grant interim relief. The definition of the word ‘award’ shows that it can be either an interim or final determination either of the whole of the dispute referred to the tribunal or of any question relating thereto. Thus it is open to the tribunal to give an award about the entire dispute at the end of all proceedings. This will be final determination of the industrial dispute referred to it. It is also open to the tribunal to make an award about some other still remain to be decided. This will be an interim determination of any question relating thereto. In either case it will have to be published as required by section 17. Such awards are however not in the nature of interim for they decide the industrial dispute or some question relating thereto. Interim relief, on the other hand, is granted under the power conferred on the tribunal under section 10(4) with respect to matters incidental to the points of dispute for adjudication.

In the light of discussions made hereinabove in preceding Para’s, it would be pertinent to note that industrial dispute preferred to this tribunal by appropriate government is with regard to relief of regularization and pending the same for adjudication when terms and conditions of the services were materially interfere by the management consequent thereupon a complaint of workmen/claimants under section 33 A of the Act are before the tribunal to finally decide and pass award the instant application in hand meant for interim relief which have been referred in one of the preceding Para is to be decided by the tribunal on the principal and slant in order 33 rule 1, 2 & 3 of the CPC which requires the grant of refusal of the interim exemption on considering the three essential ingredients whether existing concurrently. These three ingredient of prima facie case irreparable loss and balance of convenience.”

Prima facie case of the workmen/claimants as pleaded in their statement of claim and the complaint under section 33 A of the Act is to be read in consonance with the documentary evidences. Since from the very inception in the present industrial dispute firstly before the labour authorities namely the conciliation officer and also in various writ proceedings before the Hon’ble High Court and then before this industrial tribunal, there is a consistent plea that the concerned workmen have been working in the establishment of the management performing their duties as DEO, Drivers, Security Guards, Computer Operator, Court Reader, Diary Dispatcher, Court Attendant and EOC Operator for issuing of certificate such as EWS certificate, Income Certificate, at the facilitation points set by the management. The date of engagement/deployment or employment of the workmen concerned is unequivocally referred in a chart submitted by them propagating their industrial Dispute at various forums of law, some of them working since a considerable long period for more than one or two decades. This is noteworthy that the initial engagement of such workmen and their performing works on different assignment from time to time in the departments of GNCTD is not denied even admitted in so many words in their reply submitted before all those forums of law. The tribunal has taken into notice that while the initial engagement of the claimants in various works during a long span of time, performance of work by such claimants under the direct control supervision and instruction of the competent authorities in various department of the GNCTD. There is no explanation on the part of management that why their services are kept temporary for such a long period in violation of law prescribed by the Industrial Dispute Act, The contract labour (Regulation and Abolition) Act, 1971 as well as various standing orders issued by them in consonance with the provision of Industrial establishment standing orders Act etc. This is also admitted by the management that the services of the present claimants/workmen were being taken and utilized regularly without any extraordinary break in their continuity of service as contract labours paying them wages in accordance with rate prescribed under the minimum wages Act prevailing at the relevant times. Then also, the management seems to argue for the sake to oppose their claim before a forum of law that they are not workmen as

defined and the management of GNCTD is excluded from the definition of industry as defined the under the Industrial Dispute Act, 1947.

In the above context section 2(j) as amended up to date is being quoted hereunder:

“Industry” means any business, trade, undertaking, manufacture or calling of employers and includes any calling, service, employment, handicraft, or industrial occupation or avocation or workmen;

Likewise the definition of workmen as given under section 2 (s) is quoted hereunder:

“Workman” means any person (including an apprentice) employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward, whether the terms of employment be express or implied, and for the purposes of any proceeding under this act in relation to an industrial dispute, includes any such person who has been dismissed, discharged or retrenched in connection with, or as a consequence of, that dispute, or whose dismissal, discharge or retrenchment has led to that dispute, but does not include any such person-

- I. *Who is subject to the Air Force Act, 1950 (45 of 1950), or the Army Act, 1950 (46 of 1950), or the Navy Act, 1957 (62 of 1957); or*
- II. *Who is employed in the police services or as an officer or other employee of a prison; or*
- III. *Who is employed mainly in a managerial or administrative capacity; or*
- IV. *Who, being employed in a supervisory capacity, draws wages exceeding ten thousand rupees per mensem or exercises, either by the nature of the duties attached to the office or by reason of the powers vested in him, functions, mainly of a managerial nature.*

Historically, the definition of the term “Industry” under the Act is interpreted in the case of **Bangalore Water Supply and Sewerage Board V. A. Rajappa reported in AIR 1978 Supreme Court 845** wherein Hon’ble Supreme Court has given interpretation of the word “Industry” in the widest scope and “Sovereign Functions” within a limited orbit, Industrial adjudication as influenced by the aforesaid precepts and enterprise cannot therefore be excluded from the ambit of the Act merely because of the individual predilection of a judge. A Study of the judgments of the Supreme Court from Banerjee to Jai Bir Singh brings to the fore a variety of cases where the court had to decide on the questions of ambit of ‘Industry’ under the Act. The activities which engaged the attention of the court on the issue of ‘Industry’ were those of municipalities, local bodies, government-run hospitals, educational institutions, liberal professions, clubs, state and central government departments, etc. and inclusive. It is in two parts. The first part lays down that “industry” means any business, trade, undertaking, manufacture or calling of employers” and the second part specifies that it ‘includes’ any calling service, employment, handicraft or industrial occupation or avocation of workmen.” Thus, while the first part defines it from standpoint of the employer, the second part visualizes it from that of the employees. Discussing both these parts, the supreme court, In Madras Gymkhana club employees union V. Gymkhana club, attempted to keep the two notions concerning employers and employees apart and expressed the view that denotation of the term ‘industry’ is to be found in the first part relating to the employers and the connotation of the term is intended to include the second part relating to workmen. Later on, the court in Safdarjung Hospital V. Kuldip Singh Sethi held that the definition had to be read as a whole and when so read it denoted a collective enterprise in which employers and employees were associated. It did not exist by the employees alone. It existed only when there was a relationship between employers and employees, the former engaged in ‘business, trade, undertaking, manufacture or calling of employers’ and the latter engaged in ‘calling, service employment, handicraft or industrial occupation or avocation’.

In the context of the present matter the issue raised by the management before this court that to the above effect that GNCTD are discharging governmental functions and therefore immune from the definition of industry, Industrial Dispute and application of Industrial Dispute Act over them in strict sense because they are discharging sovereign or legal function. The above issue raised by the management stands answered as it held by the bangalore water supply case (Supra) according to which ‘Industry’ as define section 2 (j) has wide import (a) Where (i) Systematic activity, (ii) organized by co-operation between employer and employee, (the direct and substantial element is chimerical) (iii) for the production and/or distribution of goods and services calculated to satisfy human wants and wishes (not spiritual or religions but inclusive of material things or services geared to celestial bliss e.g. making, on a large scale, Prasad or food), Prima facie, there is an ‘Industry’ in that enterprise.

(b) Absence of profit motive or gainful objective is irrelevant, be the venture in the public, joint private or other sector.

(c) The true focus is functional and the decisive test is the nature of the activity with special emphasis on the employer-employee relations.

(d) If the organization is a trade or business it does not cease to be one because of philanthropy animating the undertaking.

Although Section 2(j) uses words of the widest amplitude in its two limbs their meaning cannot be magnified to overreach itself.

Further the Supreme Court in above case propounded a working principal called a triple test number. (i) There should be systematic activity. (ii) Organized co-operation between employer or employee. (iii) For the production and/or distribution of goods and services calculated to satisfy human wants and wishes. It is further emphasized that industry does not include spiritual or religious services geared to celestial bliss.

Therefore, the consequences of the decision in the above case are that profession, Clubs, Education Institution, Cooperatives, Research Institutes, Charitable Projects and other Adventures if they fulfill triple test stated above cannot be assumed from the scope of section 2(j) of the Act.

In **state of U.P V. Jai Bir Singh 2017 (3) SCC 311**, it was held that a caveat has to be entered on confining 'Sovereign Functions' to the traditional so described as 'inalienable functions' comparable to those performed by a monarch, a ruler or a non-democratic government. The learned judges in the Bangalore Water Supply & Sewerage Board case seem to have confined only such sovereign functions outside the purview of 'industry' which can be termed strictly as constitutional functions of three wings of the state i.e., executive, legislature and judiciary. The concept of sovereignty in a constitutional democracy is different from the traditional concept of sovereignty which is confined to 'law and order', 'defence' 'law making' and 'justice dispensation'. In a democracy governed by the Constitutional obligations contained in the Directive Principles of the state policy in part- IV of the Constitution of India. From the point of view, wherever the government undertakes public welfare activities in discharge of its constitutional obligations, as provided in part- IV of the constitutions, such activities should be treated as activities in discharge of sovereign functions falling outside the purview of 'industry'. Whether employees employed in such welfare activities of the government require protection, apart from the constitutional rights conferred on them, may be a subject of separate legislature but for that reason. Such governmental activities cannot be brought within the fold of industrial law by giving an undue expansive and wide meaning to the words used in the definition of industry.

In **Union of India V. Raju Kumar Shah and with other similar writ petitions Hon'ble High Court reported in 2020 SCC Online Delhi 370** observed in Para 64 and 65 which are being quoted here under;

Para 64 . The "Predominant nature" test, thereby, stands reiterated, but even more significant in the reference, by the Supreme Court, the "Defence of the Country, the raising of armed forces, making peace or waging war, foreign affairs, the powers to acquire and retain territory, etc," Included , within the concluding "etc" in the afore-extracted passage from the judgment of the Supreme Court, would be functions which are similar, in character, to those mentioned earlier, i.e., defence of the country, raising of Armed forces, making peace, waging war, foreign affairs, and the power to acquire and retain territory.

Para 65. Apparently, therefore, only such functions may be regarded as "inalienably sovereign", as could not, constitutionally and at any point of time, ever be delegated to a private authority, as they are incapable of being discharged by private persons. The fact that, in view of the statutory dispensations, existing at a particular point of time, the function is required to be discharged by the Government, or by a governmental authority, would not, ipso facto, be sufficient to Characterize the functions as "Sovereign". Functions such as making peace, waging war, legislation, maintenance of public law and order, and eminent domain and acquisition of territory for public purposes, are constitutionally and inalienably, sovereign and are incapable of being delegated to any private authority, at any fore cable point of time. Such functions, alone, would be eligible to be regarded as "inalienably sovereign". So as to justify exemption from the definition of "Industry" in the ID Act.

On the basis of above discussion this tribunal is of opinion opinion that irrespective of its legal functions the GNCTD is discharging some other works which cannot be said inalienable function like the works of the present claimants/workmen were discharging under the direct control and supervision of Competent Authorities, Officers and Employees in various department of GNCTD they are workmen as defined under section 2(s) quoted here in above in preceding Para in relation to the works having been discharged by them and the management is employer as defined in section 2(g) of the Act.

Section 2(g) "employer" means-

- (i) *In relation to any industry carried on by or under the authority of any department of [the central Government or a state Government,] the authority prescribed in this behalf, or where no authority is prescribed, the head of the department*
- (ii) *In relation to an industry carried on by or on behalf of a local authority, the chief executive officer of that authority;*

Therefore, the pleadings of the parties and evidences on record collectively tend to establish that the management of GNCTD is industry in relation to the work assigned to the present claimants/workmen during their engagement as

such from time to time is an 'Industry' and there clearly exists relation of employer and employee between management and the claimants under the definition given in the Industrial Dispute Act. Likewise, the claimants undoubtedly come within the ambit of definition of workmen as defined under the Act. Therefore, the dispute as raised before the Conciliation Officer appointed under the Industrial Dispute Act and referred to this tribunal by the appropriate government is prima facie an industrial dispute as defined under section 2(k) of the Act. Section 2(k) is being quoted here under for easy reference;

"Industrial dispute" means any dispute or difference between employers and employees, or between employers and workmen, or between workmen and workmen, which is concerned with the employment or non-employment or the terms of employment of with the conditions of labour, of any person;

When the claimants/workmen have successfully established the management an industry they are workmen therein and engaged with in their services for a long even then admittedly they were kept as contractual workmen for a considerably long duration, Prima facie they had been subjected to Unfair Labour Practice which is defined under section 2 (ra) .“Unfair Labour Practice” means any of the practices specified in the fifth Schedule;

In the schedule of the Act the unfair labour practice is elaborated

To deny the present claimants claim under the industrial dispute so as to thwart off their prima facie case the management has posed the status of the present claimants illegally and irregularly employed in the various departments of the GNCTD because they were volunteers under the Civil Defence Act for providing call out services in the event of disasters if any in the State of Delhi and for that their services shall be treated as “**NISHKAM SEWA**” if translated to English means” service for no valuable considerations”. Much vehemence is given on the provision of the Civil Defence Act 1968 of which section 2(ab) and section 5 relating to appointment as member of civil defence corps use words “any person” does not qualify such person to be a government servant necessarily it keeps free any person from the public at large who is spirit fully volunteer themselves to contribute their services without any expectation to be paid in lieu their of. The management has remained unsuccessful in establishing that in lieu of they being a volunteer in civil defence were given appointment in various departments of GNCTD. Management in arguments and written submission has also admitted that a person to be eligible for enrollment as volunteer may be professing personally business, serving in private establishment or government service are involved in any other activities who is willing and ready to volunteer himself in case of any disaster. Disaster like Firefighting, Flood management, Earthquake Management and in exercise of right to Self Defence of himself or of any other's person or property. It means that the present employment of the claimants in various department of GNCTD has no material connection with ending their call out duty as volunteer in civil defence. The management has clearly admitted that the total no of 1,75,000 persons are enrolled as volunteers in Civil Defence. Only some of them to say a nominal percentage of them about 10% are working in the various departments of GNCTD. It clearly means that a government employee/workmen or any individual from the different field of life activities may be a volunteer in the Civil Defence Corps but inverse is not possible that every person who is in government service is necessarily be treated as volunteer unless he himself opted to be enrolled as such in civil defence corp. it is therefore established that ending the call out services as volunteer in civil defence will automatically not enough to end the services of such volunteer if he is in service of government in absence of law and rules in this regard. with an employment in the government department. Therefore, if call out services under the Civil Defence Act is terminated by the Civil Defence Authorities prima facie it would not have effect on the status of a volunteer as employee or workmen of a department in GNCTD.

The plea of claimants being a volunteer under the Civil Defence Act and therefore, they have no right to demand regularization in services in their department the management of GNCTD seems to be a veil to cover the act of illegally terminating the services of present claimants/workmen and also to avoid the consequences of their act of Unfair Labour Practice.

The dispute as to the regularization was raised before the management but when they did not pay heed and whisper threats to terminate the services the same was raised before the conciliation officer on 30.10.2023. The Conciliation Officer in the matter restrain the management not to disturb in continuous in service of the workmen till the adjudication of the dispute even when the workmen apprehended that the management is going to terminate the services in GNCTD departments in the garb of termination of call out services in Civil Defence they immediately restup to the high court. Hon'ble high court also restrained the GNCTD for not precipitating the services of workmen till the final decision over the industrial dispute the management cleverly enough stopped taking the work from the present workmen and even published and advertisement to fill up vacancies expected to be all vacant from ousting the present claimants from their services. They apprehension of the claimants/workmen is reasonable and their expectation from the tribunal to direct management for claimant of their wages is lawful and they are entitled to get such relief from this tribunal. The prima facie case of the claimants/workmen is fully established.

Irreparable loss the workmen/claimants who were depending on their wages for feeding their families and to discharge their liabilities in day to day life as they were in various department of GNCTD who were utilizing their services since long for more than one and two decades as the case may be were all of sudden without their fault

stopped from discharging their duties assigned to them and from getting their wages in view of their valuable services. Loss of means of livelihood is an irreparable loss.

Balance of convenience—The plea of management that there is no vacancy and sanctioned post with regard to the work of present claimant/workmen said to be discharged in the various department of GNCTD and there is no financial approval there for, stands belied by recent action of the GNCTD itself as they have published an advertisement for recruitment of suitable persons on the posts upon which the present claimants/workmen were working. The management has not explained and presented the rules, regulation or standing order if any before the tribunal to show how the workmen/claimants were engaged in the services of the management without prior sanction of government and availability of budget. They have also not cited incident of any unlawful activities on the part of present workmen/claimant nor they have stated what action has been taken by them against such officer of the management who had employed claimants/workmen for such a extraordinary long period of one or two decades. Therefore, irreparable loss occasioned to the workmen/claimants by the act of management but the management itself is not going to suffer, if the workmen/claimants are retained in service till the final adjudication of the dispute.

The Tribunal is of opinion that the three essential ingredients for grant of interim relief in the circumstances of the case both in the nature of prohibition as well as mandatory direction are well established as against the case of claimant/workmen set forth in their application against the move of management of taking fresh hands in place of the workmen as they had issued a tender for engaging fresh hands.

Injunction and direction as interim order

There is no doubt, that the management being appointing authority is competent to terminate the service of the workmen, but subject to compliance of the law and the procedure prescribed under the industrial dispute Act. Under section 25 (F), a retrenchment as defined in section 2(o) of the Act amounts to termination of service but Inverse is not true. Every termination of service by the management is not retrenchment of the workmen permissible under the industrial dispute Act.

It is not the case of the management that the services of the claimants as workmen was time bound for any project work bound to be terminated with the completion of the work.

It is also not the case of the management that they terminated the services of the workmen on any other ground like misconduct or their inability to discharge the duties assigned to them. The case put up before the tribunal on behalf of the management with regard to the ending the call out duties of a volunteer under the Civil Defence Act, 1968, but how and in what manner the end of call out duties of a volunteer who is also an employee in department of management is materially connected affecting the adversely present workmen/claimants in termination of their services also.

The claim of regularizations which is to be adjudicated after taking oral documentary evidences on record with regard to the nature of the appointment/engagement of the workmen, in various departments of the management continuation of their services, utilisation of their service by management, the standing orders governing the engagement and its engagement of workmen concerned as well as alleged termination of service of workmen concerned by management. With the subject of final award, the complaint under section 33 is also to be decided on the basis of evidences placed and brought on record by the parties to the industrial dispute. In both the matters the essence of the subject matter is the continuity of service. After raising of the dispute before the Conciliation Officer, section 33 of Industrial Dispute Act comes into operation which mandatorily restricted the management from terminating the services of workmen without prior permission of the concerned authority or tribunal.

In view of the above *Jaipur Zila Sarkari Bhumi Vikas Bank Vs. Ram Gopal Sharma. AIR 1994 (6) SCC 522*, the constitution bench of the Hon'ble Supreme Court held the matter that if the prior approval is not granted under section (2b) of the Industrial Dispute 1947, the order of dismissal becomes ineffective from the date it was passed or from the date of non-approval of the order of dismissal and want of approval under section 33 (2) (B) renders the order of dismissal ineffective.

Alleged termination of services of workmen concerned is ineffective and inoperative, the same shall be treated as if the same was not passed at all. Therefore, the tribunal hereby restrains the management GNCTD from divesting the workmen concerned from their wages equal to and the rate of wages lastly disbursed by the management to them and also the management is further directed to keep reserved the vacancies for the present workmen/claimants during the pendency of the present Industrial Dispute and complaint under section 33 moved therein.

The office is directed to send the copy of the order in due procedure of law under section 17 A for compliance and further action

SCHEDULE

Detailed chart of claimant/workmen in various Industrial Dispute cases referred hereinabove at the top of the order are:-

ID No. 287/ 2023

Sl. No.	Name / Father's Name	Designation
1.	Akash Verma S/o Sh. Sanjay Verma	Attendant
2.	Sanjeev Kumar S/o Sh. Brahm Pal	Attendant
3.	Sourav Kumar S/o Sh. Rajender Kumar	Attendant
4.	Anil Kumar S/o Sh. Satyapal Singh	Attendant
5.	Bijender S/o Sh. Jai Prakash Sharma	Attendant
6.	Manoj Kumar S/o Sh. Naresh Kumar	Attendant
7.	Harish S/o Sh. Rajendra Kumar	Attendant
8.	Javed Ali S/o Sh. Shafaqqat Ali	Attendant
9.	Kunal Dutt Sharma S/o Sh. Om Prakash Sharma	Attendant
10.	Mujahid Ali S/o Sh. Islamuddin	Attendant
11.	Munesh W/o Sh. Manoj Kumar D/o Mahender Singh	Attendant
12.	Neeraj S/o Sh. Ram Sajan	Attendant
13.	Nishi Kant Sharma S/o Sh. Mool Chand Sharma	Attendant
14.	Parvinder Kumar S/o Sh. Mehak Singh	Attendant
15.	Pradeep Kumar S/o Sh. Mahesh Chand	Attendant
16.	Rajender Kumar S/o Sh. Balbir Singh	Attendant
17.	Rama Shankar S/o Sh. Uday Raj	Attendant
18.	Sachin Panchal S/o Sh. Om Pal Singh Panchal	Attendant
19.	Sanghmitra W/o Sh. Inder Prakash	Attendant
20.	Sandeep S/o Sh. Surendra	Attendant
21.	Sharda D/o Sh. Vinod Kumar	Attendant
22.	Vinod Kumar S/o Sh. Ram Preet	Attendant
23.	Satyawati W/o Sh. William Jacob	Attendant
24.	Yoginder S/o Sh. Brij Mohan	Attendant
25.	Krishan Bharti S/o Sh. Inder Jeet	Attendant
26.	Suraj Prakash S/o Sh. Chiranji Lal	Attendant
27.	Ankit Panchal S/o Sh. Prem Chand Panchal	Attendant
28.	Sh. Alok Kumar S/o Sh. R.K. Srivastava	Attendant

ID No. 288/ 2023

Sl. No.	Name / Father's Name	Designation
1.	Tarun Kumar S/o Late Sh. Mange Ram	Computer Operator / ADM Court Reader
2.	Sh. Vishal Tiwari S/o Sh. Rakesh Kumar Tiwari	Data Entry Operator
3.	Sh. Shyam Sunder S/o Late Sh. Mange Ram	MTS-Cum Diary Dispatcher

4.	Sh. Vijay Kant S/o Sh. Hans Nath Chaturvedi	Diary Dispatcher
5.	Anjali Sharma W/o Sh. Kamalkant	Data Entry Operator
6.	Sh. Lokesh Sharma S/o Late Sh. Suraj Bhan Sharma	Computer Operator / Court Reader
7.	Sh. Rahul Tank S/o Sh. Vijay Pal	Data Entry Operator
8.	Manjay Kumar S/o Sh. Ram Daras	Computer Operator / Court Reader
9.	Sh. Abhishek Singh S/o Sh. Sudhir Kumar	Driver
10.	Sh. Pankaj S/o Late Sh. Rajbir Singh	Driver
11.	Sh. Manoranjan Panda S/o Sh. Bhawani Shanker Pandan	MTS
12.	Sh. Mahendra Singh S/o Late Sh. Mool Chand	Driver
13.	Sh. Anuj S/o Sh. Dharamveer Singh	MTS
14.	Sh. Satya Pal Singh S/o Sh. Harish Chand	MTS / Court Attendant
15.	Sh. Mohit Tripathi S/o Sh. Ram Pal Tripathi	MTS
16.	Sh. Satya Prakash Sharma S/o Sh. Radhey Shyam Sharma	Data Entry Operator
17.	Ms. Harsh Lata D/o Late Sh. Paras Nath	Data Entry Operator
18.	Sh. Sachin Sharma S/o Sh. Sandeep Sharma	Driver
19.	Smt. Sakshi W/o Sh. Kunal Nagpal	MTS
20.	Ms. Lalita D/o Sh. Mahesh Chand	Data Entry Operator
21.	Ms. Meenu D/o Sh. Ram Veer Singh	Data Entry Operator
22.	Sh. Akash Verma S/o Late Sh. Kuldeep Verma	Data Entry Operator
23.	Sh. Rohit S/o Sh. Satya Pal Singh	Data Entry Operator
24.	Sh. S.B.R. Zaidi S/o Sh. Asgar Zaidi	Data Entry Operator
25.	Sh. Ashish Kumar S/o Sh. Naresh Pal	Security Guard
26.	Shrawan Mehta S/o Late Sh. Nand Kishore Mehta	Data Entry Operator
27.	Sh. Devender Kumar S/o Late Sh. K.D. Pandey	Driver
28.	Sh. Ranjeet Kumar Poddar S/o Sh. Bhola Poddar	MTS
29.	Sh. Varun Kumar S/o Sh. Babu Lal	MTS
30.	Ms. Pooja D/o Sh. Prem Singh	Data Entry Operator
31.	Sh. Teetu S/o Sh. Perm Swaroop	Driver
32.	Sh. Rahul S/o Sh. Dulare Ram	Data Entry Operator
33.	Firoz Khan S/o Sh. Nasir Khan	Data Entry Operator
34.	Sh. Hari Om S/o Sh. Veer Singh	Data Entry Operator
35.	Ms. Aakriti D/o Sh. Krishan Kant Sharma	Data Entry Operator
36.	Sh. Ishwar Singh S/o Late Sh. Hemraj	EOC Operator
37.	Sh. Shubham Sharma S/o Sh. Shashi Kant Sharma	EOC Operator
38.	Sh. Abhishek S/o Sh. Surender Singh	Driver
39.	Sh. Raj Kumar S/o Late Sh. Jagat Singh	EOC Operator

ID No. 285/ 2023

Sl. No.	Name / Father's Name	Designation
1.	Sh. Dheeraj Tiwari S/o Late Sh. Joginder Tiwari	Data Entry Operator
2.	Sh. Paras Jindal S/o Late Sh. Pawan Jindal	Reader to SDM
3.	Sh. Manoj Sharma S/o Late Sh. Khacheru Lal Sharma	Driver
4.	Sh. Tarun Kumar Anand S/o Sh. Tilak Raj	Data Entry Operator
5.	Sh. Nikhil Sharma S/o Late Sh. Jagdish	Driver
6.	Sh. Harshit Sharma S/o Late Sh. Jagdish	Driver in DDMA
7.	Sh. Sumit Arora S/o Late Sh. Joginder Lal Arora	Driver

ID No. 286/ 2023

Sl. No.	Name / father & Husband Name	Designation
1.	Sh. Rohit Pal S/o Sh. Dharam Pal	Data Entry Operator

2.	Sh. Satish Kumar S/o Sh. Gokul Prasad	Data Entry Operator
3.	Mohd. Sajid S/o Abdul Wahab	Data Entry Operator
4.	Sh. Amit Dhanked S/o Sh. Raj Kumar Dhanked	EOC Operator
5.	Sh. Amit Kumar Panwar S/o Sh. Suresh Kumar	EOC Operator
6.	Sh. Hari Om Chauhan S/o Sh. Ram Chander Chauhan	Data Entry Operator
7.	Sh. Bhaskar Diwakar S/o Sh. Maharaj Singh Diwakar	Diary Dispatcher / MTS
8.	Sh. Rohit S/o Sh. Jai Prakash	Diary Dispatcher / Clerical Work
9.	Sh. Keshav Aggrawal S/o Sh. Ramesh Prasad Aggrawal	P.S.O. / MTS
10.	Sh. Ashutosh S/o Sh. Suresh Pal	Diary Dispatcher / Peon Work
11.	Sh. Mukesh Kumar S/o Late Sh. Kishan Chand	EOC Operator
12.	Sh. Tejpal Singh Yadav S/o Sh. Amichand Yadav	Driver
13.	Sh. Omkar Singh S/o Sh. Ram Kishan	DDMA Rescuer
14.	Sh. Ritesh Ralhan S/o Late Sh. Anil Ralhan	Driver / MTS

ID No. 290/ 2023

Sl. No.	Name/ Father's Name	Designation
1.	Sh. Shashank Sharma S/o Sh. Satya Prakash Sharma	Data Entry Operator / EOC Operator (DDMA)
2.	Sh. Ajay Singhal S/o Late Sh. Om Prakash	Driver / P.S.O
3.	Smt. Madhu Singhal W/o Sh. Ajay Singhal	Data Entry Operator
4.	Sh. Mukesh Kumar S/o Sh. Ram Prakash	Driver / P.S.O
5.	Sh. Nitin Kumar S/o Sh. Rajesh Kumar	Driver / P.S.O
6.	Ms. Sheelu D/o Sh. Nepal Singh	Data Entry Operator
7.	Ms. Deeksha Sehgal D/o Anil Sehgal	Data Entry Operator
8.	Shuhaib S/o Abdul Samad	Data Entry Operator
9.	Sh. Alakh Kumar Kushvaha S/o Sh. Pramod Kumar Mahto	Data Entry Operator / EOC Operator (DDMA)
10.	Sh. Arbind Kumar S/o Sh. Rajbir Singh	Driver / PSO
11.	Sh. Devender Kumar S/o Sh. Chet Ram	Driver / EOC Operator (DDMA)
12.	Ms. Kalpana D/o Sh. Tapan Sarkar	Data Entry Operator

ID No. 250/ 2023

Sl. No.	Name / Father's Name	Designation
1.	Mujahid Ali S/o Islamuddin	P.S.O
2.	Mohd. Farman S/o Mohd. Yusuf	All Dak Distribution (internal and external)
3.	Vaseem Ahmed S/o Muqeem Ahmed	Driver
4.	Smt. Sonam D/o Sh. Dinesh Mavi	D.E.O
5.	Mohd. Sarwer Khan S/o Mashkoor Ahmed Khan	Driver
6.	Saddam Ali S/o Mohd. Saiyed Ali	Security Guard (Main Gate)
7.	Sh. Deepak Kumar S/o Sh. Ranjeet	M.T.S

8.	Sh. Deepak S/o Rajender	P.S.O
9.	Sh. Pradeep Kumar S/o Neem Bahadur	D.E.O
10.	Sh. Sandeep Kumar S/o Neem Bahadur	Security Guard (Main Gate)
11.	Sh. Rahul S/o Pradeep Kumar	Driver

ID No. 248/ 2023

Sl. No.	Name / Father's Name	Designation
1	Sh. Jitender S/o Sh. Jagmohan	CDV
2	Asif Ali Ansari S/o Wahid Ali Ansari	CDV
3	Smt. Bharti W/o Sh. Bhupender Kumar	CDV
4	Sh. Narendra Kumar S/o Sh. Om Prakash	CDV
5	Sh. Rajender Kumar Chauhan S/o Sh. Pati Ram	CDV
6	Sh. Jagat Ram S/o Sh. Anop Ram	CDV
7	Sh. Amitesh Kumar S/o Sh. Vijay Verma	CDV
8	Sh. Rohit S/o Sh. Lakhan Singh	CDV
9	Sh. Inderjeet Meena S/o Sh. Subhash Chand	CDV
10	Sh. Sunil Kumar S/o Sh. Narender Kumar	CDV
11	Sh. Tanesh Kumar S/o Sh. Ram Vilas	CDV
12	Sh. Upender S/o Sh. Shith Raj Kanojia	CDV

ID No. 283/ 2023

Sl. No.	Name / Father's Name	Designation
1.	Sh. Kavar Muninder Singh S/o Late Sh. Ashok Singh	Dak Dispatch / Dairy & File Movement
2.	Ms. Nisha Verma D/o Sh. Manoj Kumar Verma	Dak Dispatch / Dairy & MTS
3.	Sh. Raj Kumar S/o Late Sh. Gama Prasad	Driver

ID No. 289/ 2023

Sl. No.	Namen / Father's Name	Designation
1.	Sh. Gopal Pandey S/o Sh. Paras Pandey	Marriage Registration
2.	Salman Khan S/o Raseed	Driver
3.	Sh. Lokesh Tomer S/o Sh. Sube Singh	D.D.M.A. (Q.R.V)
4.	Sh. Amar Singh Sawle S/o Sh. Sukhdev Rao	Driver
5.	Sh. Lalit S/o Sh. Surender Singh	E.O.C. Operator
6.	Sh. Nafeesur Rehman S/o Abdul Hameed	Driver
7.	Sh. Vikal S/o Sh. Ramdhan Singh	Driver
8.	Riyaz S/o Nizamuddin	E.O.C. Operator
9.	Sh. Manish Kumar S/o Sh. Jhullan Prasad	Driver
10.	Riyazuddin S/o Munne Khan	Data Entry Operator
11.	Pradeep Kumar S/o Sh. Amar Singh	Data Entry Operator
12.	Sh. Ravi Kumar S/o Sh. Prakash Chand	Dispatch Rider

13.	Sh. Rajnish S/o Sh. Jai Shankar	MTS
14.	Sh. Amit Kumar Sharma S/o Late Sh. Dhanpat Sharma	Dispatch Rider
15.	Sh. Gautam Vishwas S/o Late Sh. Gopi Chand	Data Entry Operator
16.	Sh. Amrit S/o Sh. Rajesh	Data Entry Operator, Dispatch Rider

ID No. 247/ 2023

Sl. No.	Name / Father's Name	Designation
1.	Sh. Ardhendau Kumar Singh S/o Sh. Kameshwar Singh	Personal Staff (SDM H.Q)
2.	Sh. Gulshan Kharbanda S/o sh. Sohanlal	P.S.O Cum Driver
3.	Sh. Deepak Kumar S/o Sh. Arun Kumar	Personal Staff (SDM H.Q)
	Sh. Vinod Kumar S/o sh. Bhagwan Dass	Store Keeper
5.	Sh. Mohit S/o Sh. Ombir	DEO
6.	Ms. Kiran Kumari D/o Sh. Achhender Singh	Daak / DEO
7.	Ms. Rashmi D/o Rajesh Kumar	DEO
8.	Sh. Ashok Ghoswami S/o Sh. Ramayan Ghoswami	PSO
9.	Ms. Neelam D/o Sh. Binda Prasad	DEO
10.	Sh. Swaraj S/o Sh. Prem Lal	Revenue Court Cases / EWS
11.	Smt. Santosh Devi W/o Late Sh. Santosh Kumar	SDM Daak Dispatcher
12.	Ms. Anjlana Lovely W/o Late Sh. Anil Kumar	Daak Dispatcher
13.	Sh. Vinod Shishodiya S/o Sh. Moti Lal	DEO
14.	Sh. Lalit Sharma S/o Sh. Deva Nand Sharma	PSO
15.	Sh. Amarjeet S/o Sh. Prem Sagar	DEO
16.	Sh. Rajender Singh S/o Sh. Prem Sagar	PSO
17.	Arshad Hussain S/o Ahmad Hussain	Driver
18.	Sh. Lalit Kumar S/o Sh. Hawa Vir Singh	PSO
19.	Sh. Lakshay Chauhan S/o Sh. Vishnu Chauhan	Personal Staff
20.	Sh. Rajan Kumar S/o Sh. Kameshwar Singh	DEO
21.	Sh. Amit Kumar S/o Sh. Inder Sain	DEO
22.	Sh. Sunil Dhakar S/o Sh. Mohan Lal	R.T.I. Dealing Assistant
23.	Sh. Ashok Kumar S/o Sh. Mohan Lal	Office Assistant
24.	Sh. Ranu S/o Sh. Rajender Kumar	MTS
25.	Firoz Khan S/o Babu Khan	Driver
26.	Sh. Amit Kumar S/o sh. Raj Kumar Singh	DEO
27.	Mohd. Shamim S/o Mohd. Habib	Driver
28.	Deepak Dagar S/o Sh. Mahavir Dagar	QRT Operator
29.	Sh. Manoj Kumar S/o Sh. Radhey Shyam	Daily Assistant of Recovery
30.	Mohd. Ashfaq S/o Late Waris Ali	EOC Operator
31.	Sh. Vikash Kumar S/o Late Sh. Ram Ashish	DEO
32.	Mohd. Shamim S/o Mohd. Jaseem	DEO

33.	Sh. Pravin Kumar S/o Sh. Sushil Kumar	DEO
34.	Sh. Mahesh Jogi S/o Sh. Bhartu Jogi	DEO
35.	Sh. Dashrath Prasad S/o Sh. Marai Ram	Daak Dealing Assistant
36.	Sh. Nitin Sharma S/o sh. Om Prakash	Clerk
37.	Sh. Dharmender S/o Sh. Krishan Lal	DEO
38.	Sh. Ghanshyam S/o Sh. Puran Lal	DEO
39.	Sh. Harish Kumar Bhardwaj S/o Sh. Shiv Kumar Bhardwaj	DEO
40.	Sh. Raja Babu S/o Sh. Dukhi Paswan	DEO
41.	Sh. Nikhil Kumar S/o Sh. Tara Chand	DEO

ID No. 245/ 2023

Sl. No.	Name / Father's Name	Designation
1.	Mohd. Sajid S/o Mohd. Sameuddin	Data Entry Operator
2.	Sh. Ganesh Kumar S/o Sh. Girraj Singh	Data Entry Operator
3.	Sh. Ashok Kumar Yadav S/o Late Sh. Bharat Singh Yadav	Security (Main Gate)
4.	Smt. Varsha Kashyap W/o Sh. Malkhan Singh	MTS
5.	Smt. Shilpi Goswami W/o Sh. Ashwani Bharati	Data Entry Operator
6.	Smt. Anjali W/o Sh. Nishant Kumar	Data Entry Operator
7.	Ms. Jyoti Mathur D/o Sh. Munesh Kumar	Data Entry Operator
8.	Mohd. Sharique S/o Mohd. Shafi	Dairy Dispatcher/ Clerical Work
9.	Shahabuddin S/o Shokat Ali	MTS
10.	Smt. Meena Sharma W/o Late Sh. Sunil Sharma	Data Entry Operator
11.	Imran Khan S/o Aslam Khan	Dairy Dispatcher/Clerical Work
12.	Sh. Hari Om Pandey S/o Sh. Suresh Chandra Pandey	Driver
13.	Noved Khan S/o Ummed Khan	QRV Driver
14.	Sh. Rakesh Tripathi S/o Sh. Surendra Nath Tripathi	Driver
15.	Sh. Amit Kumar S/o Sh. Pawan Kumar	Security Guard
16.	Sh. Anuj Kumar S/o Sh. Shyam Sundar	Data Entry Operator
17.	Sh. Kaushal Sharma S/o Sh. Shripal Sharma	Driver

ID No. 221/ 2023

Sl. No.	Name/ Father's Name	Designation
1.	Sh. Praveen Tyagi S/o Sh. Onkar Singh	EOC Operator
2	Sh. Arun Kumar S/o Sh. Suraj Pal	QRV Driver

ID No. 249/ 2023

Sl. No.	Name / Father's Name	Designation
1.	Smt. Asha Devi Arya W/o Sh. Kundan Arya	MTS
2.	Sh. Sumit S/o Sh. Sunder	QRT Driver

Sl. No.	Name / Father's Name	ID No.	Designation
1.	Sh. Parshant Kumar S/o Late Sh. Gopi Chand	246/ 2023	MTS/ Peon
2.	Sh. Sajjan Kumar S/o Sh. Ajit Kumar	284/ 2023	Driver
3.	Sh. Sumit S/o Sh. Raj Kumar	323/ 2023	Data Entry Operator

Justice VIKAS KUNVAR SRIVASTAVA (Retd.), Presiding Officer

नई दिल्ली, 25 अप्रैल, 2024

का.आ. 790.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एन.सी.एल के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, जबलपुर के पंचाट (एलसी/आर/113/2015) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18/04/2024 को प्राप्त हुआ था।

[सं. एल-22012/70/2015-आईआर (सीएम-II)]

मणिकंदन. एन, उप निदेशक

New Delhi, the 25th April, 2024

S.O. 790.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**LC/R/113/2015**) of the **Central Government Industrial Tribunal-cum-Labour Court, Jabalpur** as shown in the Annexure, in the industrial dispute between the Management of **N.C.L.** and their workmen, received by the Central Government on **18/04/2024**.

[No. L-22012/70/2015-IR (CM-II)]

MANIKANDAN. N, Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R/113/2015

Present: P.K.Srivastava

H.J.S..(Retd)

The Secretary,

Rashtriya Colliery Mazdoor Sangh,

Amlori Project,

Distt. Sangrouli (M.P)

Workman

Versus

The General Manager,

Amroli Project, NCL,

PO : Amlori,

Distt. Singrouli (M.P)

Management

AWARD**(Passed on this 16th day of February-2024.)**

As per letter dated 16/11/2015 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this tribunal under section-10 of I.D. Act, 1947 as per reference number L-22012/70/2015 (IR(CM-II)) dt. 16/11/2015. The dispute under reference related to :-

- “1. क्या श्री जितेन्द्र नारायण श्रीवास्तव को पूर्व में चालक के रूप में प्राप्त कर रहे मूल वेतन रू० 2453.00 प्रतिमाह को काटकर लिपिक ग्रेड-3 का प्रारंभिक व उन्हें रू० 627.00 प्रतिमाह की आर्थिक क्षति हुई, उचित है? यदि नहीं तो कामगार श्री जितेन्द्र नारायण श्रीवास्तव क्या अनुतोष पाने का हकदार है?
2. क्या श्री जितेन्द्र नारायण श्रीवास्तव की लगभग 12 वर्ष की सेवा की अनदेखी करते हुए बिना किसी सजा अथवा दण्ड के मूल वेतन की कटौती करना उचित है? यदि नहीं तो कामगार क्या श्री जितेन्द्र नारायण श्रीवास्तव अन्य कौन से हितलाभ व सुविधाएं पाने के पात्र है?”

After registering a case on the basis of the reference received, notices were issued to the parties and were duly served on them.

The Workman never appeared and did not file any statement of claim.

The management appeared and filed its written statement of defence, wherein it claimed that the Workman was initially appointed on the post of driver on November 11th, 1983. He submitted an application in the year 1992, stating that he was unable to work as a driver due to his poor health and requested the management to provide light job in clerical category. He further submitted option on January 27th, 1995 in writing that in case he's given the post of Clerk, he will accept minimum wages without the protection. The said application was considered by management. The Workman was permitted to take part in the selection process for the selection of post of clerk grade III and was appointed as clerk grade III vide order number 147 dated May 24th, 1995 on the lowest pay scale. He was granted promotion from time to time in clerical cadre. Thus, according to management, the workman was not entitled to any pay protection as claimed by him. Accordingly, management has requested that the reference be answered against the Workman.

The case was ordered to be proceeded ex parte against Workman vide order dated September 13th, 2022.

Management filed an affidavit of its witness which is uncross-examined because no one was ever present from the side of Workman. The management witness has corroborated the case of management in this affidavit.

I have heard argument of learned counsel for management. Mr Neeraj Kewat and have gone through the record. None was present at the time of argument from the side of Workman. No written arguments has been filed by any of the parties.

The reference itself is the issue for determination in the case in hand.

The initial burden to prove his claim is on the workman. He did not care to file his statement of claim, nor has he filed or proved any evidence. Thus, he has failed to discharge his this burden.

On the other hand, the management witness has fully correlated the case of management in his on cross-examined affidavit.

Hence, in the light of above facts, holding the claim of the applicant Workman, not proved, the reference deserves to be answered against the Workman and is answered accordingly.

AWARD

In the light of this factual backdrop, holding that the claim of the workman is not proved, the reference deserves to be answered against the Workman and is answered accordingly.

Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

P. K. SRIVASTAVA, Presiding Officer

DATE: 16/02/2024

नई दिल्ली, 25 अप्रैल, 2024

का.आ. 791.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.ई.सी.एल के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में

केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, जबलपुर के पंचाट (एलसी/ए/01/2018) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18/04/2024 को प्राप्त हुआ था।

[सं. एल-22013/01/2024-आईआर (सीएम-II)]

मणिकंदन. एन, उप निदेशक

New Delhi, the 25th April, 2024

S.O. 791.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**LC/A/01/2018**) of the **Central Government Industrial Tribunal-cum-Labour Court, Jabalpur** as shown in the Annexure, in the industrial dispute between the Management of **S.E.C.L.** and their workmen, received by the Central Government on **18/04/2024**.

[No. L-22013/01/2024-IR (CM-II)]

MANIKANDAN. N, Dy. Director

ANNEXURE

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/A/01/2018

**Manish Kumar Tripathi,
S/o Shri A.P. Tripathi,
Govinda Siding and R/o Bhadra Staff Colony,
Post Bhadra, Dist. Anuppur (MP)
Pin- 484334**

APPLICANT

VERSUS

**The Sub Area Manager, Kotma-Govinda Sub Area
South Eastern Coalfields Limited, Post Pasan,
Dist. Anuppur (MP)**

**The Manager (Personnel), Kotma-Govinda Sub Area
South Eastern Coalfields Limited, Post Pasan,
Dist. Anuppur (MP)**

NON-APPLICANT

ORDER

(Passed on this 23th day of February 2024)

The applicant workman has filed this petition u/s 33A of The Industrial Disputes Act 1947, hereinafter referred to by the word 'The Act', against the management with a case that the applicant Workman is a Certificate Holder of Higher Secondary School Examination and has completed diploma course in Computer Applications and Programming. He was, though appointed as Category I ,but being a Diploma holder in Computer Applications and Programming, he was authorised and advised to perform the job of Data Entry Operator .. (clerk Grade III) at the computerised weighing machine since the beginning. According to the Certified Standing Orders/Standing Instructions of the management company SECL, after completion of 10 days or 260 days, he must have been absorbed on the post of computer operator ie; the work which he was performing. The management did not absorb him as a Computer Operator. Hence, being aggrieved by this in action on the part of management, he approached this tribunal by way of the present dispute. It is further, his case that during the pendency of the dispute, Management transferred him and directed him to work in the underground mines, whereas he was since the beginning working on the post of computer operator in the light of his educational qualifications. After his repeated request, the management did not take him back on the post of computer operator, he raised a dispute with the Regional Labour Commissioner,

who issued a notice to management and after hearing both the side directed the applicant Workman to approach this tribunal. According to the applicant workman. this amount to change in his service conditions for which no prior permission was obtained by management which is against the 'Act'. The applicant has sought following reliefs –

- 1- Direction to management, not to press arise the Workman in underground mines till pendency of the present reference.
- 2- Direct the management to grant salary of last 17 months with interest at the rate of 18% and also give him regular salary.
- 3- Grant any other relief as deemed fit and proper. In the facts and circumstances of the case.

In its reply, the management has taken the case that the applicant was appointed as a General Mazdoor Grade I (U/G) on August 28th, 2007. He has been transferred forward from one unit to another unit as per administrative requirements within the area wide offers order dated April 5th 2011. That is from Meera Incline to Kotma Govinda in his existing capacity as General Mazdoor. He has been given promotion/other service linked benefits on this post from time to time. According to management, the employees working as General Mazdoor are and applied in any underground work or temporarily on surface worked for a short period as per administrative requirement and on this ground, regularisation on the said post cannot be claimed as a matter of right. It is further, the case of management that the post of Data Entry Operator ..is a post of selection the Kader scheme to the said could be separate. It is a selection post for which selection is made after conducting written test/typing test/qualification, etc. Initially, the candidates are appointed as Data Entry Operator ..trainees. The applicant is not entitled to be appointed as Data Entry Operator ..because there was no vacancy notified, no selection process initiated, and he may well apply for this post when vacancy is notified and undergo selection process. The management admits that on the basis of dispute raised by the Workman union, in this respect a reference case R/80/2015 is pending adjudication before this Tribunal. Accordingly, as it is the case of management, there is no violation of section 33A of the Act. Management has thus prayed that this application be dismissed.

In evidence, the applicant has filed photocopy documents which are not admitted by management. The management has filed the copy of appointment letter, service book, office order dated April 5th 2011, cadre scheme of Data Entry Operator personnel.

I have heard argument of Mr Subodh Agrawal for applicant. Management has filed written arguments which is on record. I have gone through the written arguments and the record.

The issue, which appears for determination. on perusal of the record in the light of rival arguments is as follows-

Whether transfer of a Workman in the same cadre from one place to another place on the same post during pendency of dispute regarding his placement as Data Entry Operator amounts to change of conditions of service to attract section 33A of the Act.

The section 33A is being reproduced as follows-

33A. Special provision for adjudication as to whether conditions of service etc. changed during pendency of proceeding.- Where an employer contravenes the provisions of Section 33 during the pendency of proceedings 5[before a conciliation officer, Board, an arbitrator, a Labour Court, Tribunal or National Tribunal] any employee aggrieved by such contravention, may make a complaint in writing 6[in the prescribed manner,- (a) to such conciliation officer or Board, and the conciliation officer or Board shall take such complaint into account in mediating in, and promoting the settlement of, such industrial dispute; and (b) to such arbitrator, Labour Court, Tribunal, or National Tribunal and on receipt of such complaint, the arbitrator, Labour Court, Tribunal or National Tribunal as the case may be, shall adjudicate upon the complaint as if it were a dispute referred to or pending before it, in accordance with the provisions of this Act and shall submit his or its award to the appropriate Government and the provisions of this Act shall apply accordingly.

It is established from the offer of appointment that the workman was appointed as General Mazdoor Category I. His transfer shows that he was transferred to Kotma underground as General Mazdoor Cat.I.that is on same post in same category. Hence, it can be safely held that by transferring the applicant,his service conditions did not changed. This is also established that Data Entry Operator is a separate cadre having different selection process. Transfer from one place to other place is incident of service.

Hence. It is held that by transferring the applicant from one place to other place on same post in same capacity is conditions of service have not changed.

Consequently, the petition found lacking merit and is dismissed accordingly. No order as to cost.

Dated: 23-02-2024

P. K. SRIVASTAVA, Presiding officer

नई दिल्ली, 25 अप्रैल, 2024

का.आ. 792.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.ई.सी.एल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, जबलपुर के पंचाट (एलसी/आर/37/2021) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18/04/2024 को प्राप्त हुआ था।

[सं. एल-22013/01/2024-आईआर (सीएम-II)]

मणिकंदन. एन, उप निदेशक

New Delhi, the 25th April, 2024

S.O. 792.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**LC/R/37/2021**) of the **Central Government Industrial Tribunal-cum-Labour Court, Jabalpur** as shown in the Annexure, in the industrial dispute between the Management of **S.E.C.L.** and their workmen, received by the Central Government on **18/04/2024**.

[No. L-22013/01/2024-IR (CM-II)]

MANIKANDAN. N, Dy. Director

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT,
JABALPUR****NO. CGIT/LC/R/37/2021****Present: P.K.Srivastava****H.J.S..(Retd)**

**The Organizing Secretary,
Koyala Mazdoor Panchayat (H.M.S)
Ward Number 11,
P.O. & Dist. Shahdol (MP)**

Workman**Versus**

**The Mines Manager,
Kudari Mines, Johilla Area, PO Nowrozabad,
Dist. Umaria (MP)**

**The Sub Area Manager,
Nowrozabad Sub Area, Johilla Area, PO Nowrozabad,
Dist. Umaria (MP)**

**The General Manager,
Johilla Area, SECL PO Nowrozabad,
Dist. Umaria (MP)**

Management

AWARD**(Passed on this 22Th day of February-2024.)**

As per letter dated 26/08/2021 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this tribunal under section-10 of I.D. Act, 1947 as per reference number J-1(3-3)/2021-IR dt. 26/08/2021. The dispute under reference related to :-

"Whether the demand of Shri Sunil Kumar Raidas, General Mazdoor for re-instatement of his service with back wages from 08-03-2011 against the management of SECL, Sub area Manager, Nowrozabad Sub Area is legal, fair and proper? If yes, to what relief the workman concerned is entitled to?"

After registering the case on reference received, notices were sent to the parties and were duly served on them. Time was allotted to the workman to submit his statement of claim. In spite of allotment of time and service of notice, the workman never turned up and submitted his statement of claim. Management also did not file its written statement of claim/ defence. No evidence was ever produced by any of the parties in this tribunal.

The Initial burden to prove his claim is on the workman. Since the workman did not file any pleading nor did he file any evidence, in the absence of any evidence in support of holding the claim of workman not proved the reference deserves to be answered against the workman and is answered accordingly.

AWARD

In the light of this factual backdrop, holding that the claim of the workman is not proved, the reference deserves to be answered against the Workman and is answered accordingly.

Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

P. K. SRIVASTAVA, Presiding Officer

DATE: 22/02/2024

नई दिल्ली, 29 अप्रैल, 2024

का.आ. 793.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एम ई एस के प्रबंधतंत्र, संबद्ध नियोजको और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, चंडीगढ़-I के पंचाट (10/2017) प्रकाशित करती है।

[सं. एल-12025/01/2024-आईआर (बी-1)-152]

सलोनी, उप निदेशक

New Delhi, the 29th April, 2024

S.O. 793.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.10/2017) of the Cent.Govt.Indus.Tribunal-cum-Labour Court Chandigarh-I as shown in the Annexure, in the industrial dispute between the management of MES and their workmen.

[No. L-12025/01/2024-IR (B-I)-152]

SALONI, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.

ID No.10/2017

Registered On:-24.05.2017

Jagdeep Singh S/o Sh. Bikkar Singh, VPO Bhuchio Khurd Tehsil Bathinda, Distt. Bathinda (Punjab).

.....Workman

VERSUS

1. Kansal Thekedar, Nirman Builders, House No.21742, Power House Road, Bathinda.
2. Garrison Engineers, MES, HQ 81 Sub Area Bathinda, Mill Station, Bathinda.

.....Respondents

Award**Passed On:-02.01.2024**

1. The workman Sh. Jagdeep Singh has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with back wages.
2. During the pendency of the proceedings before this Tribunal the case was fixed for evidence of workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.
3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.
4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 29 अप्रैल, 2024

का.आ. 794.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पश्चिम रेलवे के प्रबंधन, संबद्ध नियोजको और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जबलपुर के पंचाट (04/2018) प्रकाशित करती है।

[सं. एल-41011/57/2017-आईआर (बी-1)]

सलोनी, उप निदेशक

New Delhi, the 29th April, 2024

S.O. 794.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 04/2018) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Jabalpur* as shown in the Annexure, in the industrial dispute between the management of Western Railway and their workmen.

[No. L-41011/57/2017-IR (B-I)]

SALONI, Dy. Director

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT,
JABALPUR**

NO. CGIT/LC/R/04/2018

Present: P.K.Srivastava

H.J.S..(Retd)

The Divisional Secretary,

Paschim Railway Karmachari Parishad

C/o DRM,

Ratlam (MP)

Workman

VERSUS

**The Divisional Railway Manager,
Western Railway,
Do-Batti,
Ratlam (MP)**

Management

AWARD

(Passed on this 27th day of February, 2024.)

As per letter dated 19/01/2018 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this tribunal under section-10 of I.D. Act, 1947 as per reference number L-41011/57/2017 (IR(B-I)) dt. 19/01/2018. The dispute under reference related to :-

“Whether the action of the management of Divisional Railway Manager, Ratlam in issuing various orders & extending this provision of Railway Board Circular beyond (1st Apr to 30th June & 1st Oct to 15th Nov: thereby withdrawn the acceptance of medical certificate from RMPs for grant of leave to Group “C” & Group “D” employees is just & proper? If not, to what relief of Shri Niranjana Kumar & others of Traffic Department are entitled to?”

After registering the case on reference received, notices were sent to the parties and were duly served on them. Time was allotted to the workman to submit his statement of claim. In spite of allotment of time and service of notice, the workman never turned up and submitted his statement of claim, due to which reference proceeded ex-parte against the workman vide order dated December 27, 2021. Management filed its written statement of claim/ defence. No evidence was ever produced by any of the parties in this Tribunal.

The Initial burden to prove his claim is on the workman. Since the workman did not file any pleading nor did he file any evidence, in the absence of any evidence in support of holding the claim of workman not proved the reference deserves to be answered against the workman and is answered accordingly.

AWARD

In the light of this factual backdrop, holding that the claim of the workman is not proved, the reference deserves to be answered against the Workman and is answered accordingly.

Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

P. K. SRIVASTAVA, Presiding Officer

DATE: 27/02/2024

नई दिल्ली, 29 अप्रैल, 2024

का.आ. 795.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पश्चिम रेलवे के प्रबंधक, संबद्ध नियोजको और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जबलपुर के पंचाट (03/2018) प्रकाशित करती है।

[सं. एल-41011/33/2017-आईआर (बी-1)]

सलोनी, उप निदेशक

New Delhi, the 29th April, 2024

S.O. 795.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 03/2018) of the Cent.Govt.Indus.Tribunal-cum-Labour Court Jabalpur as shown in the Annexure, in the industrial dispute between the management of Western Railway and their workmen.

[No. L-41011/33/2017-IR (B-I)]

SALONI, Dy. Director

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT,
JABALPUR****NO. CGIT/LC/R/03/2018****Present: P.K. Srivastava****H.J.S.(Retd)****The Divisional Secretary,****Paschim Railway Karmachari Parishad (PRKP)****Western Railway, Ratlam Division,****Ratlam (MP) - 457001****Workman****Versus****The Divisional Railway Manager,****Western Railway, Ratlam Division,****Ratlam (MP) – 457001****The General Manager,****Western Railway Head Quarters Office,****Churchgate,****Mumbai - 400020****Management****AWARD****(Passed on this 27th day of February-2024.)**

As per letter dated 19/01/2018 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this tribunal under section-10 of I.D. Act, 1947 as per reference number L-41011/33/2017 (IR(B-I)) dt. 19/01/2018. The dispute under reference related to :-

“Whether the Track Machine Staff/ working in Western Railway, Ratlam Division, who are doing duties at places outside Ratlam on field/track, are entitled for 21 days working continuous roster with 7 days continuous rest in a month or not w.e.f the year 2000-2015? If, so whether the said staff are entitled for arrears of Overtime from year 2000 to 2015 for a period of 7 days in a month or not, since in Western Railway, Ratlam Division, Who are doing duties at places outside Ratlam in field.”

After registering the case on reference received, notices were sent to the parties and were duly served on them. Time was allotted to the workman to submit his statement of claim. In spite of allotment of time and service of notice, the workman never turned up and submitted his statement of claim, due to which reference preceded ex-parte against the workman vide order dated December 27, 2021. Management sought time and is granted accordingly though he never filed its written statement of claim/ defence. No evidence was ever produced by any of the parties in this Tribunal.

The Initial burden to prove his claim is on the workman. Since the workman did not file any pleading nor did he file any evidence, in the absence of any evidence in support of holding the claim of workman not proved the reference deserves to be answered against the workman and is answered accordingly.

AWARD

In the light of this factual backdrop, holding that the claim of the workman is not proved, the reference deserves to be answered against the Workman and is answered accordingly.

Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

P. K. SRIVASTAVA, Presiding Officer**DATE: 27/02/2024**

नई दिल्ली, 29 अप्रैल, 2024

का.आ. 796.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन, संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जबलपुर के पंचाट (05/2019) प्रकाशित करती है।

[सं. एल-12011/21/2018-आईआर (बी-1)]

सलोनी, उप निदेशक

New Delhi, the 29th April, 2024

S.O. 796.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 05/2019) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Jabalpur* as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen.

[No. L-12011/21/2018-IR (B-I)]

SALONI, Dy. Director

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT,
JABALPUR**

NO. CGIT/LC/R/05/2019

Present: P.K. Srivastava

H.J.S.(Retd)

The General Secretary,

Dainik Vetan Bhogi Bank Karmchari Sangathan, F-1,

Tripti Vihar, Opp. Engg. College,

Ujjain (MP)-456010

Workman

VERSUS

The Chief General Manager,

State Bank of India, Hosangabad Road,

BHOPAL (M.P.) - 462004

Management

AWARD

(Passed on this 08th day of January-2024.)

As per letter dated 18/12/2018 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this tribunal under section-10 of I.D. Act, 1947 as per reference number L-12011/21/2018 (IR(B-I)) dt. 18/12/2018. The dispute under reference related to :-

"Whether the following allegations made by the union, Dainik Vetan Bhogi Bank Karmchari Sangathan, against the management of State Bank of India, Bhopal, in the matter of Shri Jamnashanker Paliwal are amounts to unfair labour practice under 1.D Act.?

a. Not giving appointment letter and not giving termination letter.

b. Payment was not made as per pay scale/skill wage.

c. Minimum Wages not paid.

d. Muster Roll has not been maintained as per Section 25-D of ID Act.

e. Applicants have worked 240 days in a year.

f. After working for 06 days, the Wages for weekly off and National Holidays 26th January, 15th Aug were deducted.

If yes, what relief the workman is entitled to?"

After registering the case on reference received, Notices were sent to the parties and were duly served on them. In Spite of service of notices, the workman was never appeared nor did he file any statement of claim, management also did not file any written statement of defense. Although management was present several time.

Since None of the parties filed any pleading nor did file any evidence, holding the claim of workman not proved the reference deserves to be answered against workman and is answered accordingly.

P. K. SRIVASTAVA, Presiding Officer

DATE: 08/01/2024

नई दिल्ली, 29 अप्रैल, 2024

का.आ. 797.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधतंत्र, संबद्ध नियोजको और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जबलपुर के पंचाट (72/2013) प्रकाशित करती है।

[सं. एल-12011/02/2012-आईआर (बी-1)]

सलोनी, उप निदेशक

New Delhi, the 29th April, 2024

S.O. 797.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 72/2013) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Jabalpur* as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen.

[No. L-12011/02/2012-IR (B-I)]

SALONI, Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R/72/2013

Present: P.K. Srivastava

H.J.S.(Retd)

The General Secretary,

Dainik Vetan Bhogi Bank Karmchari Sangathan,

F-1, Tripti Vihar, Opp. Engg. College,

Ujjain (MP)

Workman

VERSUS

The Chief General Manager,

State Bank of India,

L.H.O. Hoshangabad Road,

Bhopal (MP)

Management

AWARD**(Passed on this 15th day of February-2024.)**

As per letter dated 17/05/2013 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this tribunal under section-10 of I.D. Act, 1947 as per reference number L-12011/02/2012 (IR(B-I)) dt. 17/05/2013. The dispute under reference related to :-

“Whether the demand of the Union, Dainik Vetan Bhogi Bank Karamchhari Sangathan for reinstatement and regularization of services of Shri Raj Kumar Parosiya from the date of termination of his service i.e. with effect from 22/3/2010 is legal and justified? To what relief the workman is entitled?”

After registering a case on the basis of the reference received, notices were issued to the parties and were duly served on them. They appeared and filed their respective statements of claim/ defence.

Case of the workman, as taken in their statement of claim is mainly that the applicant Workman was engaged by the then Branch Manager of the management Bank on a daily wages of Rs.10/- per day from October 7, 1994. He used to work with the management Bank for more than eight hours daily and are regularly till March 22, 2010, when his services were terminated by the management Bank under an oral orders of the Branch Manager without paying him any compensation or issuing notice. According to the workman union, the applicant Workman worked continuously with the management Bank for more than 240 days in every year, including the year preceding the date of his disengagement. He was regularly paid bonus for every year by the management Bank. Hence, as claimed from the Workman side, the disengagement is in violation of section 25F and 25G of the industrial disputes act 1947, hereinafter referred to as ‘The Act’. The Workman union has accordingly played for relief of the reinstate of the applicant Workman with all back wages and benefits and also for his regularisation, declaring his disengagement against law.

The case of management, as taken by them in their written statement of defence is mainly that the applicant Workman was initially engaged with the management Bank from October 7, 1994 to March 22, 2010 as daily wagger on daily basis and since his engagement was on the exigency of work and as soon as it was over, he was required not to report for work. He was engaged purely on casual daily wagger basis and not against any back and post or vacancy. He was engaged only for one or two hours in a week and maximum 10 to 12 days in a month. He was also free not to come on the next day and also the management was at liberty not to engage him on the next day. He was paid on daily basis and was never in continuous employment of the Bank at any time during the aforesaid period. It is further, the case of management Bank that he never worked regularly as a peon. He was paid his remuneration from contingency fund and not from salary head. He never completed 240 days in any year in a regular engagement of the management Bank, including the year preceding the date of his disengagement. Hence, according to the management Bank, his disengagement is not in violation of ‘The Act’. Accordingly, management has prayed that the reference be answered against the Workman union and the applicant Workman.

In evidence, the Workman side has filed and proved photocopy documents Ex W1 to Ex W , to be referred to as and when required. Workman side has also filed the affidavit of the applicant Workman, as his examination in Chief. He has been cross examined by management.

The management did not file any document. No witness was examined by management.

This is also worth mentioning that an application dated June 20, 2017 was filed by the Workman union for seeking direction against the management Bank to file or regional documents as mentioned in the application. The management raised objections. This application has been heard and decided wide order dated March 5, 2019 and the management was directed to file the original documents as mentioned in the order or filed an affidavit of someone authorised if the documents in original are not available with the Bank. The management did not file any original document as required by the said order and filed an affidavit of its Branch Manager dated September 7, 2019 is stating that the documents not available with the Bank.

I have heard argument of learned counsel for the workmen union, Mr Arun Patel and Mr Vijai Kumar Tripathi. I have also gone through the record.

On perusal of record in the light of rival arguments, following issues come up for determination in the case in hand. They are –

1-Whether the applicant Workman has successfully proved his continuous engagement with the management for 240 days in every year or the year preceding the date of his disengagement ?

2-Whether the disengagement of the applicant Workman is against law ?

3-Whether the applicant Workman is entitled to any relief ?

Issue number one —

Before entering into any discussion, section 25B of the act requires to be mentioned here, which is as follows-

6 [25B. Definition of continuous service.—

For the purposes of this Chapter,—

(1) a workman shall be said to be in continuous service for a period if he is, for that period, in uninterrupted service, including service which may be interrupted on account of sickness or authorised leave or an accident or a strike which is not illegal, or a lock-out or a cessation of work which is not due to any fault on the part of the workman;

(2) where a workman is not in continuous service within the meaning of clause (1) for a period of one year or six months, he shall be deemed to be in continuous service under an employer (a) for a period of one year, if the workman, during a period of twelve calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than—

(i) one hundred and ninety days in the case of a workman employed below ground in a mine; and (ii) two hundred and forty days, in any other case;

(b) for a period of six months, if the workman, during a period of six calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than—

(i) ninety-five days, in the case of a workman employed below ground in a mine; and (ii) one hundred and twenty days, in any other case.

Explanation.—For the purposes of clause (2), the number of days on which a workman has actually worked under an employer shall include the days on which—

- (i) he has been laid-off under an agreement or as permitted by standing orders made under the Industrial Employment (Standing Orders) Act, 1946 (20 of 1946), or under this Act or under any other law applicable to the industrial establishment;
- (ii) he has been on leave with full wages, earned in the previous years; (iii) he has been absent due to temporary disablement caused by accident arising out of and in the course of his employment; and (iv) in the case of a female, she has been on maternity leave; so, however, that the total period of such maternity leave does not exceed twelve weeks.]

Pleadings of the parties on this issue have been detailed earlier. The Workman has stated in his affidavit that he worked continuously as a peon for 240 days and more in every year, including the year preceding the date of his disengagement. He also states that he was paid bonus in every year on the basis of his attendance. Management has denied his case. According to management, he never worked regularly for 240 days or more rather he worked as and when there was some exigency in the Bank subject to availability of work. The workmen filed and proved photocopy of his temporary pass which goes to show that entry passed was issued to him to come to the branch, which was in Cantonment area this pass is ExW24. Ex W1, filed by the Workman and admitted by management is the letter to the Branch Manager dated October 15, 2004, sent by the Assistant General Manager, wherein it has been mentioned that with the rest fact to the temporary employees, who had attained the status of protected employee in terms of 25F Industrial Disputes Act 1947, the data available with respect to the applicant Workman is incomplete and complete data has been required.. ExW25, proved by the applicant Workman is the reply dated November 6, 2004 sent to the Assistant General Manager by the Branch Manager, wherein it is stated that the applicant Workman has worked as a sweeper with the Bank for a period of 294 days during the period April one 1997 to August 31, 1998 and he is in the category of protected employee. ExW26, filed and proved by the applicant Workman goes to show that the Assistant General Manager sent a communication to the Branch Manager endorsing sanction of post of sweeper for the applicant Workman. These documents corroborate the case of the applicant Workman that he was working with the management Bank. Ex W27 proved by the applicant Workman shows that he worked for 294 days within the period April one, 1997 to August 31, 1998. This is an internal document of the Bank. Ex W2 to ExW13, filed by the applicant Workman and have admitted by management are the photocopy is regarding payment of wages to the applicant Workman and others. ExW16 is statement regarding payment of bonus and calculations regarding bonus paid to the applicant Workman from the period January 1998 to February 2010. This document filed by the applicant Workman., Have admitted by management. This document contains the number of days the applicant Workman worked with the management in every month. Perusal of this document with regard to entries from the period between January 2009 to February 2010 shows that the number of days in any months is not mentioned, whereas for the other years, the number of days has been mentioned completely. I am convinced with the argument from the side of the workmen union that this is not incidental rather it is intentional that the number of days in the relevant year, that is the year preceding the date of disengagement of the applicant Workman have not been completely mentioned with regard to some of the months. Learned counsel for management is also not in a position to explain this

discrepancy. It has to be kept in mind that this document is admitted by management. All these documents, see in the light of on oath statement of the applicant Workman established that the case of the applicant Workman that he worked continuously for a period of 240 days in every year, including the year preceding the date of his disengagement is true and **accordingly, the applicant Workman is held to have successfully proved his continuous engagement as daily wager for a period of 240 days and more in every year, including the year preceding the date of his disengagement.**

Issue number one is answered accordingly.

Issue number two-

Section 25F & 25G of the act are being reproduced as follows-

25F. Conditions precedent to retrenchment of workmen.—No workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until— (a) the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice; 1 * * * * (b) the workman has been paid, at the time of retrenchment, compensation which shall be equivalent to fifteen days' average pay 2 [for every completed year of continuous service] or any part thereof in excess of six months; and (c) notice in the prescribed manner is served on the appropriate Government 3 [or such authority as may be specified by the appropriate Government by notification in the Official Gazette].

25G. Procedure for retrenchment.—Where any workman in an industrial establishment, who is a citizen of India, is to be retrenched and he belongs to a particular category of workmen in that establishment, in the absence of any agreement between the employer and the workman in this behalf, the employer shall ordinarily retrench the workman who was the last person to be employed in that category, unless for reasons to be recorded the employer retrenches any other workman.

Not disputed between the parties is the fact that no notice or compensation was given to the applicant Workman on his disengagement. **Hence, the disengagement of the applicant Workman is held against law and issue number two is answered accordingly.**

Issue number three-

In the light of findings arrived at issue number one and two, the question arises as to what relief the Workman is entitled. Learned counsel for management has submitted that he has been a daily wager casual labour, who was not appointed against any regular vacancy following any recruitment process. Hence, his reinstatement or any back wages will not be justified in law. Learned counsel further submits that this is a fit case that he be awarded some compensation in the lieu of his claims.

Learned counsel for the applicant Workman has submitted on the contrary, that the applicant Workman has put in his 16 years in continuous engagement of the management Bank. His further points out that in earlier years, management was considering to regularise him as a sweeper. He also submits that keeping in view the length of his engagement, interest of Justice will only be served in his reinstatement with back wages and his regularisation.

In the case of **L. Robert D'Souza Vs The Executive Engineer Southern Railway 1982 (1) SCC 616** referred to by Ld. Counsel for workman union, following observations of The Supreme Court referred are being reproduced as under-

In another case referred by Ld Counsel for workman **Gaurishankar Vs State of Rajsthan (2015)15 SCC 574** following observations are being referred as follows-

This extract is taken from Gauri Shanker v. State of Rajasthan, (2015) 12 SCC 754 : (2016) 1 SCC (L&S) 546 : 2015 SCC OnLine SC 353 at page 762.

22. The Labour Court has rightly followed the normal rule of reinstatement of the workman in his original post as it has found that the order of termination is void ab initio in law for non-compliance with the mandatory provisions of the Act referred to supra. However, the Labour Court is not correct in denying back wages without assigning any proper and valid reasons though the employer did not prove either its stringent financial conditions for denial of back wages or that workman has been gainfully employed during the period from the date of order of termination till the award was passed in favour of the workman except granting Rs 2500 as compensation for the suffering caused to the workman. The same is erroneously modified by the learned Single Judge who recorded the finding of fact for the first time by holding that the workman is a casual employee intermittently working in the respondent Department.

23. The learned Single Judge of the High Court has exceeded his jurisdiction under Articles 226 and 227 of the Constitution of India as per the legal principles laid down by this Court in *Harjinder Singh [Harjinder Singh v. Punjab State Warehousing Corpn., (2010) 3 SCC 192 : (2010) 1 SCC (L&S) 1146]* wherein this Court has held thus: (SCC p. 205, para 21).

“21. Before concluding, we consider it necessary to observe that while exercising jurisdiction under Articles 226 and/or 227 of the Constitution in matters like the present one, the High Courts are duty-bound to keep in mind that the Industrial Disputes Act and other similar legislative instruments are social welfare legislations and the same are required to be interpreted keeping in view the goals set out in the Preamble of the Constitution and the provisions contained in Part IV thereof in general and Articles 38, 39(a) to (e), 43 and 43-A in particular, which mandate that the State should secure a social order for the promotion of welfare of the people, ensure equality between men and women and equitable distribution of material resources of the community to subserve the common good and also ensure that the workers get their dues. More than 41 years ago, Gajendragadkar, J. opined that:

‘10. ... The concept of social and economic justice is a living concept of revolutionary import; it gives sustenance to the rule of law and meaning and significance to the ideal of welfare State.’

(*State of Mysore v. Workers of Gold Mines* [*State of Mysore v. Workers of Gold Mines*, AIR 1958 SC 923] AIR p. 928, para 10.)”

The said principle has been reiterated by this Court in *Jasmer Singh v. State of Haryana* [*Jasmer Singh v. State of Haryana*, (2015) 4 SCC 458 : (2015) 2 SCC (L&S) 46] .

In another case, following observations of Supreme Court are being reproduced as follows-

This extract is taken from *Ajaypal Singh v. Haryana Warehousing Corpn.*, (2015) 6 SCC 321 : (2015) 2 SCC (L&S) 279 : 2014 SCC OnLine SC 1135 at page 330

22. It is always open to the employer to issue an order of “retrenchment” on the ground that the initial appointment of the workman was not in conformity with Articles 14 and 16 of the Constitution of India or in accordance with rules. Even for retrenchment on such ground, unfair labour practice cannot be resorted to and thereby workman cannot be retrenched on such ground without notice, pay and other benefits in terms of Section 25-F of the Industrial Disputes Act, 1947, if continued for more than 240 days in a calendar year.

23. However, in other cases, when no such plea is taken by the employer in the order of retrenchment that the workman was appointed in violation of Articles 14 and 16 of the Constitution of India or in violation of any statutory rule or his appointment was a back door appointment, while granting relief, the employer cannot take a plea that initial appointment was in violation of Articles 14 and 16 of the Constitution of India, in absence of a reference made by the appropriate Government for determination of question whether the initial appointment of the workman was in violation of Articles 14 and 16 of the Constitution of India or the statutory rules. Only if such reference is made, a workman is required to lead evidence to prove that he was appointed by following procedure prescribed under the Rules and his initial appointment was legal.

24. In the present case, the services of the appellant was not terminated on the ground that his initial appointment was made in violation of Articles 14 and 16 of the Constitution of India. No such reasons were shown in the order of retrenchment nor was such plea raised while reference was made by the appropriate Government for adjudication of the dispute between the employee and the employer. In absence of such ground, we are of the opinion that it was not open for the High Court to deny the benefit for which the appellant was entitled on the ground that his initial appointment was made in violation of Articles 14 and 16 of the Constitution of India.

This extract is taken from *Deepali Gundu Surwase v. Kranti Junior Adhyapak Mahavidyalaya*, (2013) 10 SCC 324 : (2014) 2 SCC (L&S) 184 : 2013 SCC OnLine SC 719 at page 356

38. The propositions which can be culled out from the aforementioned judgments are:

38.1. In cases of wrongful termination of service, reinstatement with continuity of service and back wages is the normal rule.

38.2. The aforesaid rule is subject to the rider that while deciding the issue of back wages, the adjudicating authority or the court may take into consideration the length of service of the employee/workman, the nature of misconduct, if any, found proved against the employee/workman, the financial condition of the employer and similar other factors.

38.3. Ordinarily, an employee or workman whose services are terminated and who is desirous of getting back wages is required to either plead or at least make a statement before the adjudicating authority or the court of first instance that he/she was not gainfully employed or was employed on lesser wages. If the employer wants to avoid payment of full back wages, then it has to plead and also lead cogent evidence to prove that the employee/workman was gainfully employed and was getting wages equal to the wages he/she was drawing prior to the termination of service. This is so because it is settled law that the burden of proof of the existence of a particular fact lies on the person who makes a positive averment about its existence. It is always easier to prove a positive fact than to prove a negative fact. Therefore, once the employee shows that he was not employed, the onus lies on the employer to

specifically plead and prove that the employee was gainfully employed and was getting the same or substantially similar emoluments.

38.4. The cases in which the Labour Court/Industrial Tribunal exercises power under Section 11-A of the Industrial Disputes Act, 1947 and finds that even though the enquiry held against the employee/workman is consistent with the rules of natural justice and/or certified standing orders, if any, but holds that the punishment was disproportionate to the misconduct found proved, then it will have the discretion not to award full back wages. However, if the Labour Court/Industrial Tribunal finds that the employee or workman is not at all guilty of any misconduct or that the employer had foisted a false charge, then there will be ample justification for award of full back wages.

38.5. The cases in which the competent court or tribunal finds that the employer has acted in gross violation of the statutory provisions and/or the principles of natural justice or is guilty of victimising the employee or workman, then the court or tribunal concerned will be fully justified in directing payment of full back wages. In such cases, the superior courts should not exercise power under Article 226 or 136 of the Constitution and interfere with the award passed by the Labour Court, etc. merely because there is a possibility of forming a different opinion on the entitlement of the employee/workman to get full back wages or the employer's obligation to pay the same. The courts must always keep in view that in the cases of wrongful/illegal termination of service, the wrongdoer is the employer and the sufferer is the employee/workman and there is no justification to give a premium to the employer of his wrongdoings by relieving him of the burden to pay to the employee/workman his dues in the form of full back wages.

38.6. In a number of cases, the superior courts have interfered with the award of the primary adjudicatory authority on the premise that finalisation of litigation has taken long time ignoring that in majority of cases the parties are not responsible for such delays. Lack of infrastructure and manpower is the principal cause for delay in the disposal of cases. For this the litigants cannot be blamed or penalised. It would amount to grave injustice to an employee or workman if he is denied back wages simply because there is long lapse of time between the termination of his service and finality given to the order of reinstatement. The courts should bear in mind that in most of these cases, the employer is in an advantageous position vis-à-vis the employee or workman. He can avail the services of best legal brain for prolonging the agony of the sufferer i.e. the employee or workman, who can ill-afford the luxury of spending money on a lawyer with certain amount of fame. Therefore, in such cases it would be prudent to adopt the course suggested in *Hindustan Tin Works (P) Ltd. v. Employees* [*Hindustan Tin Works (P) Ltd. v. Employees*, (1979) 2 SCC 80 : 1979 SCC (L&S) 53] .

38.7. The observation made in *J.K. Synthetics Ltd. v. K.P. Agrawal* [(2007) 2 SCC 433 : (2007) 1 SCC (L&S) 651] that on reinstatement the employee/workman cannot claim continuity of service as of right is contrary to the ratio of the judgments of three-Judge Benches [*Hindustan Tin Works (P) Ltd. v. Employees*, (1979) 2 SCC 80 : 1979 SCC (L&S) 53] , [*Surendra Kumar Verma v. Central Govt. Industrial Tribunal-cum-Labour Court*, (1980) 4 SCC 443 : 1981 SCC (L&S) 16] referred to hereinabove and cannot be treated as good law. This part of the judgment is also against the very concept of reinstatement of an employee/workman.

Now coming to the proved facts in the case in hand and examining them in the light of the above proposition of law in this respect, it has been specifically pleaded by management that the applicant Workman was not recruited against any sanctioned post following recruitment procedure. Hence benefit of law propounded in the case of Ajapal Singh (supra) cannot be accorded to him and his reinstatement with or without back wages will not be a proper relief as per law.. No doubt, the workman has served the management for a long period of more than 10 years. This is a fact to be taken into consideration while deciding the quantum of lump-sum compensation. Keeping in view the totality of the circumstances and length of the engagement of the applicant Workman, a lump sum compensation of Rs. 300,000/-in the lieu of all his claim will meet the ends of Justice. **Accordingly, the applicant Workman is held entitled to a lump sum compensation of Rs. 5,00,000/-in the lieu of all his claims, to be paid to him by management within 30 days from the date of publication of award in the official Gazette, failing which interest at the rate of 6% per annum from the date of award till payment.**

The issue number four is answered accordingly.

In the light of above discussion and findings, following award is passed

AWARD

Holding the action of management in terminating the services of the applicant Workman Raj kumar Parosiya with effect from March 22, 2010 on justified in law, he is held entitled to all lump sum compensation of Rs. 5,00,000/- from management bank to be payable to him within 30 days from the date of publication of the award in official Gazette, failing which interest at the rate of 6% per annum from the date of award till payment.

Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

P.K. SRIVASTAVA, Presiding Officer

DATE: 15/02/2024

नई दिल्ली, 29 अप्रैल, 2024

का.आ. 798.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधतंत्र, संबद्ध नियोजको और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जबलपुर के पंचाट (24/2011) प्रकाशित करती है।

[सं. एल-12011/34/2010-आईआर (बी-1)]

सलोनी, उप निदेशक

New Delhi, the 29th April, 2024

S.O. 798.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 24/2011) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Jabalpur* as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen.

[No. L-12011/34/2010-IR (B-I)]

SALONI, Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R/24/2011

Present: P.K. Srivastava

H.J.S.(Retd)

The General Secretary,

Dainik Vetan Bhogi Bank Karmchari Sangathan,

F-1, Karam Bhoomi, Tripti Vihar,

Ujjain (MP)

Workman

VERSUS

The General Manager,

State Bank of India,

Bhopal (MP)

Management

AWARD

(Passed on this 15th day of February-2024.)

As per letter dated 29/03/2011 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this tribunal under section-10 of I.D. Act, 1947 as per reference number L-12011/34/2010(IR(B-I)) dt. 29/03/2011 . The dispute under reference related to :-

“Whether the demand of Union for payment of difference of wages from 19/01/93 to 17/05/2004 to Shri Jamna Shankar Paliwal, Ex-Casual worker, as per bipartite settlement, is legal and justified? To what relief the Union/workman is entitled?”

f.) After working for 06 days, the Wages for weekly off and National Holidays 26th January, 15th Aug were deducted.

If yes, what relief the workman is entitled to?"

After registering a case on the basis of the reference received, notices were issued to the parties and were duly served on them. They appeared and filed their respective statements of claim/ defence.

Undisputed between the parties is the fact that the applicant Workman worked with the management, as a casual labour/daily wager. According to the workmen union, the applicant Workman is entitled to parity in wages with the regular employees of the Bank doing the same job, in the light of the Bipartite Settlement, reached at between the Indian Banks Association and Workman union of different Banks. Also undisputed is the fact that the management Bank is member of the Indian Banks Association. Since the dispute involves law points only. Hence, it is being disposed as such.

This is also necessary to be mentioned here that the Workman side did not appear at the time of arguments. They did not file any written arguments. Hence, argument of learned counsel for the management Bank. Sri Praveen Yadav were heard by me. I have also gone through the records.

As it is apparent from the statement of claim from the side of Workman union and affidavit of the applicant Workman, he was engaged by the management, as a casual daily labor and was discharging the work of peon cum sweeper cum messenger cum dispatcher etc. according to management, he was engaged on daily basis as and when required. He was not appointed against any sanctioned vacancy following the recruitment procedure. He had never been an regular employee of the management Bank. It is further, the case of management and argument from the side of management that the Bipartite Settlement is applicable only to the regular and permanent employees of the Bank and not to daily wager labors.

Management has referred to the decision of the Supreme Court in the case of **State of Haryana and others vs Tilak Raj and others reported in AIR 2003 SC 2658**. The following observations of the Supreme Court in this case are being reproduced as follows-

“scale of pay is attached to a definite post and in case of a daily wager, he holds no posts. The respondent workers cannot be held to hold any posts to claim even in any comparison with the regular and permanent is staff for any or all purposes, including a claim for equal pay and allowances. To claim a relief on the basis of equality it is for the claimants to substantiate a clear-cut basis of equivalence and are resultant hostile discrimination before becoming eligible to claim rights at par with the other group vis a vis an alleged discrimination. No material was produced before the High Court as to the nature of duties of either categories and it is not possible to hold that the principle of equal pay for equal work is an abstract one. Equal pay for equal work is a concept which requires for its applicability complete and holy scale identity between a group of employees claiming identical payscales and the other group of employees who have already earned such payscales. The problem about it will pay cannot always be translated into a mathematical formula.”

In another case referred to from the side of management is **State of Rajasthan and others vs Dayalal & others, reported in (2011)2 SCC 429**, following observations of the Supreme Court are being reproduced as follows –

“iv-part-time employees are not entitled to seek regularisation as they are not working against any sanctioned posts. There cannot be a direction for absorption, regularisation or permanent continuous of part-time temporary employees.

“v-part-time temporary employees in government run institutions cannot claim parity in salary with regular employees of government on the principle of equal pay for equal work. Nor can employees in private employment. Even if serving full time, seek parity in salary with government employees. The right to claim a particular salary against the state must arise under a contract or under a statute”

The Bipartite Settlement 1966 specifically provides that it shall be applicable to the employees of the member Banks who are part of the Cadre mentioned in the settlement. Daily wager casual labourers are not mentioned as a part of the cadre in this settlement or in any of the later settlements.

AWARD

Hence, in the light of above discussion, the claim of the workmen union for parity in pay and wages of daily wagers with that of regular employees of the management Bank is a held not justified in law and the applicant Workman are held not entitled to any relief regarding parity.

The reference is answered accordingly. No order as to cost.

Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

P. K. SRIVASTAVA, Presiding Officer

DATE: 15/02/2024

नई दिल्ली, 30 अप्रैल, 2024

का.आ. 799.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार **स्टेट बैंक ऑफ़ इंडिया** के प्रबंधतंत्र, संबद्ध नियोजको और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, दिल्ली-II के पंचाट (133/2015) प्रकाशित करती है।

[सं. एल-12025/01/2024-आईआर (बी-I)-154]

सलोनी, उप निदेशक

New Delhi, the 30th April, 2024

S.O. 799.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 133/2015) of the *Cent. Govt. Indus. Tribunal- cum- Labour Court Delhi-II* as shown in the Annexure, in the industrial dispute between the management of **State Bank of India** and their workmen.

[No. L-12025/01/2024-IR (B-I)-154]

SALONI, Dy. Director

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI.****INDUSTRIAL DISPUTE CASE NO. 133/2015**

Between:

Shri Sanjai Kumar, S/o Harnam Singh,
R/o Jamalpur Alam, Aamkheda, Sanjarpur,
Pargana & Station Dhampur, Distt. Bijnor,
Uttar Pradesh

Workman

Versus

1. The State Bank of India,
Dhampur, Bijnor, Uttar Pradesh

Management

ORDER

This order is relating to disposal of an application filed by A/R for the claimant Sh. B.S Rawat for correction of the name of the applicant. In his support he has provided self attested photocopy of the Adhar Card and photocopy of the first page of the bank passbook i.e Exht. as WW1/3. Accordingly, it is ordered that in the award dated 11.04.2023 wherever Sh. Sanjai Kumar is mentioned be read as Sanjay Kumar. The correction as indicated above shall be carried out in the original award in the record for future reference.

Ordered accordingly. All other things remaining unchanged a corrected award be sent to the Appropriate Government for publication of a corrigendum of the award.

Date 10th August, 2023

Justice VIKAS KUNVAR SRIVASTAVA (Retd.), Presiding Officer

नई दिल्ली, 30 अप्रैल, 2024

का.आ. 800.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार **नादिया ग्रामीण बैंक** के प्रबंधतंत्र, संबद्ध नियोजको और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय **कोलकता** के पंचा (03/1994) प्रकाशित करती है।

[सं. एल-12011/37/93-आईआर (बी-I)]

सलोनी, उप निदेशक

New Delhi, the 30th April, 2024

S.O. 800.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 03/1994) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Kolkata* as shown in the Annexure, in the industrial dispute between the management of Nadia Gramin Bank and their workmen.

[No. L-12011/37/93-IR (B-I)]

SALONI, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

Present : Justice K. D. Bhutia, Presiding Officer.

REF. NO.03 OF 1994

Parties : Employers in relation to the management of

Nadia Gramin Bank

AND

Their Union/Workmen

Appearance :

On behalf of the Management : Absent

On behalf of the Union/Workmen : Mr. Sushil Karmakar, Advocate.

Dated: 21st February, 2024

AWARD

By order No. L-12011/37/93 –IR B.I. dated nil, received by this Tribunal on 21-12-1993, the Central Government, Ministry of Labour in exercise of power conferred u/s 10 (1) (d) and sub-section (2A) of Industrial Dispute Act, 1947 has referred the following disputes to this Tribunal for adjudication:-

“Whether the management of Nadia Gramin Bank is justified in withdrawing and cancelling the promotion of Sri Sukhen Sardar, Paritosh Roy, Bimal Biswas, Suhas Sur, Amal Kumar Dey (since deceased), Buddhadeb Swarnakar and Subhankar Pramanik as Field Supervisors and reverting them to clerical cadre w.e.f. 30-03-93? If not, to what relief the workmen are entitled to?”

That the facts leading to present reference in gist are that those above named seven employees whose cause have been espoused by the union were posted and working as Senior Clerks-cum-Cashier in Nadia Gramin Bank. It has been alleged by the union there were several vacancies in the post of Field Supervisor in the bank. That in order to fill up those vacant posts in accordance with the provision of Regional Rural Bank (Appointment and Promotion of Officers and other employees) Rules, 1988 the bank selected the names of those employees holding the post of Sr. Clerk cum Cashier and called for an interview on 25th February, 1991.

That on the basis of the interview held on 25-02-1991, the above named seven persons were promoted to the post of Field Supervisor by order dated 30th May, 1991 with retrospective effect from 25th February 1991. On being promoted those seven employees joined the promoted post of Field Supervisor and started discharging their function as Field Supervisor. They were given financial benefit in the scale of Field Supervisor.

But, all on a sudden those promoted Field Supervisors were served with a letter dated 12-02-1993 by the Chairman of the bank, where it was informed that in terms of the Govt. of India guideline dt. 22-02-1991, the post of Field Supervisor was abolished w.e.f. 1st September, 1987 and as such the promotion effected after 22nd February, 1991 to the post of Field Supervisor stands null and void.

Further vide letter dated 30th March, 1993 they were informed that in terms of Govt. of India, Banking Division's letter no.11-3-90-RRB (1) dated 22nd February, 1991 the cadre of Field Supervisor and Sr. Clerk cum Cashier ceased to exist from 01-09-1987 and the Govt. notification in that respect was issued on 22-02-1991. Their appointment on promotion as Field Supervisor stands withdrawn and cancelled.

Thus, the union have alleged such act of the management of the bank in not giving promotional benefits to those seven employees after 30-03-1993 is illegal, thereby they have prayed for reinstatement of those seven to the promoted post of Field Supervisor with retrospective effect from 30-03-1993, payment of arrear salary with interest w.e.f. 30-03-1993 and other compensation.

The bank has contested the claim of its seven employees and alleged that the post of Field Supervisor was abolished w.e.f. 01-09-1987 by virtue of Central Govt. memo dated 20-02-1991 and which was received by the Chairman of Nadia Gramin Bank on 27-02-1991, thereby the promotion of those seven employees after notification dated 22-02-1991 is null and void and thereby prayed for dismissal of the case.

The union in support of its case has examined Sri Suhash Sur, one of the concerned workmen as W.W. No.1, Sri Samarjit Bhattacharya, Secretary of the union as W.W. No.2 and Sri Subhankar Praminik as W.W.No.3.

On the other hand the management has examined Sri Subrata Dasgupta, the Chairman of the bank as M.W. No.1.

From the side of the union following documents have been produced and exhibited :-

- (1) Copy of letters of the bank dated 12-02-1993 and 30-03-1993 addressed to Sri Subhas Sur, as Exhibit-W-1 and W-2.
- (2) Circular of NABARD dt. 5th July, 1991 to the Chairman and Managing Directors, All sponsor banks, The Chairman, All Regional Rural Bank has been marked as Exhibit-W-3.
- (3) Copy of five promotion letters dt.30-05-1991 issued by Gramin Bank to Sri Bimal Biswas, to Sri Sukhen Sardar, Sri Paritosh Roy, Sri Suhas Sur and Sri Subhankar Pramanik have been marked as Exhibit-W-4-A, 4-B, 4-C and 4D.
- (4) Copy of letters dated 30-03-1993 of the bank to Sri Bimal Biswas, Sri Sukhen Sardar, Sri Paritosh Roy, Sri Suhas Sur, Sri Buddhadeb Swarnakar and Sri Subhankar Pramanik have been marked as Exhibit –W5 to 5E.
- (5) Copy of circular of Nadia Gramin Bank dt. 16-02-2000 and circular dt. 29-04-1999 have been marked as Exhibit- 6 and 6/A.
- (6) Copy of Ministry of Finance's letter dated 22-02-1991 has been marked as Exhibit-7.
- (7) Copy of letter of NABARD dt.5th July, 1991 has been marked as Exhibit-8.

On the other hand, the management has produced an exhibited following documents:-

1. Copy of Ministry of Finance's letter dt..22-02-1991 and which has been marked as Exhibit-M-1.
2. Copy of NBARD's letter dt.7th September, 1991 has been marked as Exhibit-M-2,
3. Copy of NABARD's letter dt. 03-02-1993 has been marked as Exhibit-M-3,
4. Copy of Gramin Bank's letter dt. 30-03-1993 and 30-05-1991 addressed to Sri Amal Kumar Dey have been marked as Exb. M-4 and Exb. M-5.

From both the oral and documentary evidence which have come on record admittedly those seven employees whose cause have been raised by the union were working as Sr. Clerk cum Cashier in Nadia Gramin Bank, a bank which is governed by Regional Rural Bank (Appointment and Promotion of Officers and other employees) Rules, 1988. It is also admitted by the union that Govt. of India, Ministry of Finance vide letter dt.,22-02-1991 informed the Chairman and Managing Directors of all sponsor banks (except UPGB), Chairman, all Regional Rural Bank (except Khatriya Krishan Gramin bank) about abolition of the post of Field Supervisor w.e.f. 01-09-1987. It is also admitted fact that such circular dt., 22-02-1991 (Exhibit M-1) was duly served upon the Chairman of Nadia Gramin Bank (concerned bank). It is also admitted fact that the Chairman, Nadia Gramin Bank conducted an interview for filling up the post of Field Supervisor amongst the selected Sr. Clerks cum Cashiers on 25-02-1991.

So, here question arises how the Chairman, Nadia Gramin Bank could hold interview to fill up the post of Field Supervisor which already stands abolished on 22-02-1991 w.e.f. 01-09-1987. It appears despite having knowledge about Govt. of India, Ministry of Finance, circular/ guidelines dt.22-02-1991, the Chairman of Nadia Gramin Bank has illegally and for reasons best known to him issued letter of promotion to the seven named employees on 30-05-1991. It further appears that he had given effect to his illegal promotional order with retrospective effect from 25-02-1991, the day he alleged to have held interview of those promoted clerks.

Further, a question arises how he could give promotion with retrospective effect and that too from the date of the interview. It is a matter of common knowledge a person will be given appointment to any post on his qualifying either in written examination or interview on the basis of the result of such examination and interview. No appointment can be given with retrospective effect from the date of written examination or from the date of interview. Such very fact also prove that the concerned Chairman with some ulterior motive and vested interest appears to have acted illegally by pledging the rules of recruitment and promotion.

Further, it appears that those seven employees received promotional order on 30-05-1991 but with retrospective effect from 25-02-1991. If that be so, then a question arise how a person without discharging the duty of the promotional post can be given all the benefits of the promotional post.

Such fact shows that the Chairman, Nadia Gramin Bank has misused his authority, indulged in illegality by holding an interview on 25-02-1991 to fill up the post of Field Supervisor which was already informed to him by Ministry of Finance by issuing a circular/guidelines dated 22-02-1991 and abolition of the post w.e.f. 01-09-1987. He did not stop there but also issued promotion letter on 30-05-1991 with retrospective effect from 25-02-1991. The day he issued the promotion letter there was no existence of the post in question. So, it is not known how he could conduct against the interest of the bank and the policy of the Govt.

It is the prerogative right of the Department or of the Govt. to retain or abolish any post. In the present case, it is admitted fact, even after abolition of the post of Field Supervisor those seven employees were not terminated from the service rather they were allowed to continue to work in the post of Sr. Clerk cum Cashier.

In view of the above this Tribunal holds the promotion of those seven employees to be null and void being made in violation of Ministry of Finance guidelines/order/circular dated 22-02-1991 and all the promotional procedure affected by Nadia Gramin Bank after the issuance above circular dt. 22-02-1991 holds no good in the eye of law and as such those seven employees are not entitled to get the relief as prayed for. The management of Nadia Gramin Bank is justified in withdrawing and cancelling the promotion given to Sri Sukhen Sardar, Paritosh Roy, Bimal Biswas, Suhas Sur, Amal Kumar Dey (since deceased), Buddhaddeb Swarnakar and Subhankar Pramanik as Field Supervisors and reverting them to clerical cadre w.e.f. 30-03-93. Accordingly, the seven employees are not entitled to get the relief as claimed for. Reference Case No. 3 of 1994 is disposed of.

Justice K. D. Bhutia, Presiding Officer

नई दिल्ली, 30 अप्रैल, 2024

का.आ. 801.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मेसर्स फिनो पेमेंट्स बैंक के प्रबंधतंत्र, संबद्ध नियोजको और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जबलपुर के पंचाट (10/2023) प्रकाशित करती है।

[सं. एल-12025/01/2024-आईआर (बी-1)-153]

सलोनी, उप निदेशक

New Delhi, the 30th April, 2024

S.O. 801.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 10/2023) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Jabalpur* as shown in the Annexure, in the industrial dispute between the management of M/s. Fino Payments Bank and their workmen.

[No. L-12025/01/2024-IR (B-I)-153]

SALONI, Dy. Director

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT,
JABALPUR**

NO. CGIT/LC/R/10/2023

Present: P.K.Srivastava

H.J.S..(Retd)

**Shri Abhishek Shah,
House Number 814, Gali Number 26,
Sharda Nagar, Nariyal Kheda,
Bhopal (Madhya Pradesh)-462 038.**

Workman

VERSUS

The H.R. Manager,
M/s. Fino Payments Bank,
MindSpace Juinagar, Plot No. Gen 2/1/F,
Tower 1, 8th Floor, TTC Industrial Area,
MIDC Shriwane, Juinagar,
Navi Mumbai (Maharashtra)-400 706.

Management

AWARD

(Passed on this 20th day of December-2023.)

As per letter dated 01/03/2023 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this tribunal under section-10 of I.D. Act, 1947 as per reference No. J-1(1-18)/2022-IR dt.01/03/2023 . The dispute under reference related to :-

"क्या कर्मकार / आवेदक श्री अभिषेक शाह को, अनावेदक संस्थान द्वारा दिनांक 10.02.2022 को काम से निकाला जाना न्यायोचित है? यदि नहीं, तो उक्त कर्मकार को कब से और किन लाभों के साथ नौकरी में पुनः बहाल किया जाना चाहिए?"

Workman Abhishek Shah appeared and filed an application with a copy of his Aadhar Card as his identity proof stating that he does not want to prosecute the reference and has prayed that the proceeding be dropped. He was told that services of the panel advocate may be provided to him to fight his case but he expressed his unwillingness. Hence, accepting his prayer, the reference is answered against him.

P. K.SRIVASTAVA, Presiding Officer

DATE: 20/12/2023

नई दिल्ली, 30 अप्रैल, 2024

का.आ. 802.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार केन्द्रीय लोक निर्माण विभाग के प्रबंधतंत्र, संबद्ध नियोजको और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, दिल्ली-II के पंचाट (119/2022,120/2022) प्रकाशित करती है।

[सं. एल-12025/01/2024-आईआर (बी-I)-156]

सलोनी, उप निदेशक

New Delhi, the 30th April, 2024

S.O. 802.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 119/2022, 120/2022) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Delhi- II* as shown in the Annexure, in the industrial dispute between the management of Central Public Work Department and their workmen.

[No. L-12025/01/2024-IR (B-I)-156]

SALONI, Dy. Director

ANNEXURE

BEFORE SH. ATUL KUMAR GARG, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL-CUM-LABOUR COURT NO-II, NEW DELHI

I.D. No. 119/2022**Sh. Adarsh Kumar, S/o Sh. Sanjeev Kumar,**

R/o Village & Post-Bahilwara Govind,

District-Muzaffarpur, Bihar-844111.

.....Claimant / workman

ID. NO. 120/2022

Sh. Anil Kumar Puri, S/o Sh. Shankar Dayal Puri,

R/o T- 153, Village-Jharera, Delhi Cantt.,

.....Claimant / workman

VERSUS

1. Central Public Work Department(CPWD),

CGO Complex, Cabinet Building, South Delhi- 110003.

2. R.D. Engineers,

Through- Sh. P.C. Gautam & Sh. Suraj Gautam,

A-1/1409, Madhu Vihar, Dwarka, New Delhi-110059.

.....Managements

AWARD

These are two cases filed by the claimant. These cases have been taken together because in all the cases respondent are same. Only the workmen are different. This is an application Under Section 2A of the I.D Act whereby, the applicants made prayer that their termination from the services by the management which be declared illegal and unjustified and they had prayed for reinstatement with full back wages. It is the case of the applicants/workmen that they have been working with the management through different contractors since October 2020 and their last drawn wages was Rs. 18500/- Per month. Management did not issue any appointment letter to workmen. Management had not provided the legal facilities i.e. pay slip, HRA, conveyance charge etc. to workmen. They were illegally terminated from their services on 24.10.2021 without any rhyme or reason and without paying the service compensation and gratuity amount to them by the management. They have initiated the conciliation proceedings but, no result. Hence, they had filed the present claim petition.

Both the management and workmen have not been appearing since long. After filing the claim petition workmen have not been appearing to substantiate their claim before this tribunal.

In these circumstances, this tribunal has no option except to pass the no disputant award. Hence, no disputant awards are passed. Files are consigned to the record room. A copy of this award is hereby sent to the appropriate government for notification under section 17 of the I.D Act 1947.

Date 30th November, 2023

ATUL KUMAR GARG, Presiding Officer

नई दिल्ली, 1 मई, 2024

का.आ. 803.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एम्प्लोयी स्टेट इन्सुरेंस कॉर्पोरेशन; बापू नेचर क्योर हॉस्पिटल एंड योगाश्रम; प्रणव ऊर्जा के प्रबंधन के संबद्ध नियोजकों और श्री नरेंद्र सिंह के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-2, नई दिल्ली, पंचाट (रिफरेंस न.- 91/2015) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है, जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 01.05.2024 को प्राप्त हुआ था।

[सं. जेड-16025/04/2024-आईआर(एम)-48]

दिलीप कुमार, अवर सचिव

New Delhi, the 1st May, 2024

S.O. 803.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 91/2015**) of the Central Government Industrial Tribunal cum Labour Court-2, New Delhi as shown in the Annexure, in the Industrial dispute between the employers in relation to **Employee State Insurance Corporation; Bapu Nature Cure Hospital & Yogashram; Pranav Urja and Shri Narendra Singh** which was received along with soft copy of the award by the Central Government on 01.05.2024.

[No. Z-16025/04/2024-IR(M)-48]

DILIP KUMAR, Under Secy.

ANNEXURE**BEFORE SH. ATUL KUMAR GARG, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL-CUM-LABOUR COURT NO-II, NEW DELHI****I.D. No. 91/2015**

Sh. Narender Singh, S/o Sh. Jai Singh,
R/o- B-1042, G D Colony, Mayur Vihar Phase-III,
Delhi-110092.

Versus

- 1. Director General,**
Employee State Insurance Corporation,
Pancheep Bhawan, CIG Marg,
New Delhi-110002.
- 2. Bapu Nature Cure Hospital & Yogashram,**
Gandhi Nidhi, Mayur Vihar, Phase-1,
Delhi-110091
- 3. Secretary,**
Pranav Urja,
Institute of Yoga & Natural Sciences,
D-132, Krishna Appartment, Shakarapur,
Delhi-110092

AWARD

This is the claim petition/application filed by the petitioner U/S 2A of the Industrial Disputes Act 1947 (herein after referred as an Act) against his illegal termination. It is the workman case that he was appointed as part time Yoga Therapist by management-2 in the dispensary of Management-1 on 05.01.2005. He was shown as attached to management-2 with effect from 05.01.2005 to 31.07.2012 and thereafter 8.11.2012 to 31.07.2014 with management-2. His last drawn salary was Rs. 10,000 per month which was lastly credited in the saving bank account maintained in SBI Okhla Industrial Estate. Management-2 & 3 were only nominal agency as this neither paid wages to the claimant nor supervise his work. He was terminated in the year on 31.03.2014 as a retaliatory measure to teach a lesson to the workman for having dare to demand justice and fair treatment. His dispute was pending with Sh. Dinesh Narayan, Assistant Labour Commissioner (Central) in violation of the U/s 33 of the I.D Act. Hence he made prayer that he be reinstated with full back wages.

Respondent-1 had filed the reply and stated that claimant has not approached this tribunal with clean hand. In the month of February 2004 management of ESIC had appointed non-governmental agency namely M/s Bapu Nature Care Hospital & Yogashram for providing Yoga Therapist in ESIC dispensary and hospital in Delhi. The agreement was initially for a period of three month and got extended few times. Scheme was finally withdrawn from 01.03.2006. The management of ESIC had appointed the aforesaid independent agency on contractual basis. Management of ESIC have been making payment to the NGO from time to time for the services provided by them. He submits that the claimant falls in the employment of NGA not with the ESIC. Hence, he submits that claim be dismissed.

Management-3 had also filed the reply he has also submitted that claim be dismissed.

Rejoinder has also been filed affirming the fact made in the claim statement and denied the averment made in the WS.

Vide order dated 19.11.2016 following issues have been framed:

- 1. Whether the services of the workman Sh. Narender Singh have been illegally terminated by the management of E.S.I.C- respondent-1? If so its effect?**
- 2. Whether the contract between E.S.I.C- respondent-1 and its contractor- respondent-2 is illegal and invalid being a Shan and bogus contract? If so its effect?**
- 3. Whether there exists employer and employee relationship between respondent No.1 and workman? If so its effect?**
- 4. Whether claim is maintainable? If so its effect?**

5. To what relief workman is entitled and from which respondent?

Workman was asked to examine its witness however for the last eight years, witness has not come forward for tendering the affidavit and cross-examination.

In the absence of any evidence on record, claim of the workman is resulted into failure. Claim of the claimant stands dismissed. Award is passed accordingly. A copy of this award is hereby sent to the appropriate government for notification under section 17 of the I.D Act 1947. File is consigned to record room.

ATUL KUMAR GARG, Presiding Officer

02nd April, 2024

नई दिल्ली, 1 मई, 2024

का.आ. 804.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एम्प्लोयी स्टेट इन्सुरेंस कॉर्पोरेशन; बापू नेचर क्योर हॉस्पिटल एंड योगाश्रम; प्रणव ऊर्जा के प्रबंधन के संबद्ध नियोजकों और श्री पंकज कुमार सिंह के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-2, नई दिल्ली, पंचाट (रिफरेन्स न.- 70/2015) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है, जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 01.05.2024 को प्राप्त हुआ था।

[सं. जेड-16025/04/2024-आईआर(एम)-44]

दिलीप कुमार, अवर सचिव

New Delhi, the 1st May, 2024

S.O. 804.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 70/2015**) of the Central Government Industrial Tribunal cum Labour Court-2, **New Delhi** as shown in the Annexure, in the Industrial dispute between the employers in relation to **Employee State Insurance Corporation; Babu Nature Cure Hospital & Yogashram; Pranav Urja and Shri Pankaj Kumar Singh** which was received along with soft copy of the award by the Central Government on 01.05.2024.

[No. Z-16025/04/2024-IR(M)-44]

DILIP KUMAR, Under Secy.

ANNEXURE

BEFORE SH. ATUL KUMAR GARG, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL-CUM-LABOUR COURT NO-II, NEW DELHI

I.D. No. 70/2015

Sh. Pankaj Kumar Singh, S/o Sh. Bachu Lal Prasad,

R/o- F-122/G-13, 3rd Floor, Katwaria Sarai,

New Delhi-110016

VERSUS

1. Director General,

Employee State Insurance Corporation,

Pancheep Bhawan, CIG Marg,

New Delhi-110002.

2. Babu Nature Cure Hospital & Yogashram,

Gandhi Nidhi, Mayur Vihar, Phase-1,

Delhi-110091

3. Secretary,**Pranav Urja,****Institute of Yoga & Natural Sciences,****D-132, Krishna Appartment, Shakarpur,****Delhi-110092.****AWARD**

This is the claim petition/application filed by the petitioner U/S 2A of the Industrial Disputes Act 1947 (herein after referred as an Act) against his illegal termination. It is the workman case that he was appointed as part time Yoga Therapist by management-2 in the dispensary of Management-1 on 25.01.2011. He was shown as attached to management-2 with effect from 25.01.2011 to 31.07.2012 and thereafter 7.11.2012 to 31.07.2014 with management-2. His last drawn salary was Rs. 10,000 per month which was lastly credited in the saving bank account maintained in SBI Okhla industrial Estate. Management-2 & 3 were only nominal agency as this neither paid wages to the claimant nor supervise his work. He was terminated in the year on 31.03.2014 as a retaliatory measure to teach a lesson to the workman for having dare to demand justice and fair treatment. His dispute was pending with Sh. Dinesh Narayan, Assistant Labour Commissioner (Central) in violation of the U/s 33 of the I.D Act. Hence he made prayer that he be reinstated with full back wages.

Respondent-1 had filed the reply and stated that claimant has not approached this tribunal with clean hand. In the month of February 2004 management of ESIC had appointed non-governmental agency namely M/s Bapu Nature Care Hospital & Yogashram for providing Yoga Therapist in ESIC dispensary and hospital in Delhi. The agreement was initially for a period of three month and got extended few times. Scheme was finally withdrawn from 01.03.2006. The management of ESIC had appointed the aforesaid independent agency on contractual basis. Management of ESIC have been making payment to the NGO from time to time for the services provided by them. He submits that the claimant falls in the employment of NGA not with the ESIC. Hence, he submits that claim be dismissed.

Management-3 had also filed the reply he has also submitted that claim be dismissed.

Rejoinder has also been filed affirming the fact made in the claim statement and denied the averment made in the WS.

Vide order dated 19.11.2016 following issues have been framed:

- 1. Whether the services of the workman Sh. Pankaj Kr. Singh have been illegally terminated by the management of E.S.I.C- respondent-1? If so its effect?**
- 2. Whether the contract between E.S.I.C- respondent-1 and its contractor- respondent-2 is illegal and invalid being a Shan and bogus contract? If so its effect?**
- 3. Whether there exists employer and employee relationship between respondent No.1 and workman? If so its effect?**
- 4. Whether claim is maintainable? If so its effect?**
- 5. To what relief workman is entitled and from which respondent?**

Workman was asked to examine its witness however for the last eight years, witness has not come forward for tendering the affidavit and cross-examination.

In the absence of any evidence on record, claim of the workman is resulted into failure. Claim of the claimant stands dismissed. Award is passed accordingly. A copy of this award is hereby sent to the appropriate government for notification under section 17 of the I.D Act 1947. File is consigned to record room.

ATUL KUMAR GARG, Presiding Officer

02nd April, 2024

नई दिल्ली, 1 मई, 2024

का.आ. 805.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एम्प्लोयी स्टेट इन्सुरेंस कॉर्पोरेशन; बापू नेचर क्योर हॉस्पिटल एंड योगाश्रम के प्रबंधन के संबद्ध नियोजकों और श्री शशिधर सुमन के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-2, नई दिल्ली,

पंचाट (रिफरेन्स न.- 77/2015) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है, जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 01.05.2024 को प्राप्त हुआ था।

[सं. जेड-16025/04/2024-आईआर(एम)-47]

दिलीप कुमार, अवर सचिव

New Delhi, the 1st May, 2024

S.O. 805.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 77/2015**) of the Central Government Industrial Tribunal cum Labour Court-2, **New Delhi** as shown in the Annexure, in the Industrial dispute between the employers in relation to **Employee State Insurance Corporation; Babu Nature Cure Hospital & Yogashram** and **Shri Shashi Dhar Suman** which was received along with soft copy of the award by the Central Government on 01.05.2024.

[No. Z-16025/04/2024-IR(M)-47]

DILIP KUMAR, Under Secy.

ANNEXURE

BEFORE SH. ATUL KUMAR GARG, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL-CUM-LABOUR COURT NO-II, NEW DELHI

I.D. No. 77/2015

Sh. Shashi Dhar Suman,
S/o Sh. Kartik Narayan Jha,
Address: B-87, Ambedkar Colony,
Bijwasan, New Delhi-110061

VERSUS

- 1. Director General,**
Employee State Insurance Corporation,
Pancheep Bhawan, CIG Marg,
New Delhi-110002.
- 2. Babu Nature Cure Hospital & Yogashram,**
Gandhi Nidhi, Mayur Vihar, Phase-1,
Delhi-110091

AWARD

This is the claim petition/application filed by the petitioner U/S 2A of the Industrial Disputes Act 1947 (herein after referred as an Act) against his illegal termination. It is the workman case that he was appointed as part time Yoga Therapist by management-2 in the dispensary of Management-1 on 05.11.2007. He was shown as attached to management-2 with effect from 05.11.2007. His last drawn salary was Rs. 10,000 per month which was lastly credited in the saving bank account maintained in SBI Okhla industrial Estate. Management-2 & 3 were only nominal agency as this neither paid wages to the claimant nor supervise his work. He was terminated in the year on 31.03.2014 as a retaliatory measure to teach a lesson to the workman for having dare to demand justice and fair treatment. His dispute was pending with Sh. Dinesh Narayan, Assistant Labour Commissioner (Central) in violation of the U/s 33 of the I.D Act. Hence he made prayer that he be reinstated with full back wages.

Respondent-1 had filed the reply and stated that claimant has not approached this tribunal with clean hand. In the month of February 2004 management of ESIC had appointed non-governmental agency namely M/s Babu Nature Care Hospital & Yogashram for providing Yoga Therapist in ESIC dispensary and hospital in Delhi. The agreement was initially for a period of three month and got extended few times. Scheme was finally withdrawn from 01.03.2006. The management of ESIC had appointed the aforesaid independent agency on contractual basis. Management of ESIC have been making payment to the NGO from time to time for the services provided by them. He submits that the claimant falls in the employment of NGA not with the ESIC. Hence, he submits that claim be dismissed.

Management-3 had also filed the reply he has also submitted that claim be dismissed.

Rejoinder has also been filed affirming the fact made in the claim statement and denied the averment made in the WS.

Vide order dated 09.11.2016 following issues have been framed:

1. Whether the services of the workman Sh. Shashidhar Sharma have been illegally terminated by the management of E.S.I.C- respondent-1? If so its effect?
2. Whether the contract between E.S.I.C- respondent-1 and its contractor- respondent-2 is illegal and invalid being a Shan and bogus contract? If so its effect?
3. Whether there exists employer and employee relationship between respondent No. 1 and workman? If so its effect?
4. Whether claim is maintainable? If so its effect?
5. To what relief workman is entitled and from which respondent?

Workman was asked to examine its witness however for the last eight years, witness has not come forward for tendering the affidavit and cross-examination.

In the absence of any evidence on record, claim of the workman is resulted into failure. Claim of the claimant stands dismissed. Award is passed accordingly. A copy of this award is hereby sent to the appropriate government for notification under section 17 of the I.D Act 1947. File is consigned to record room.

ATUL KUMAR GARG, Presiding Officer

02nd April, 2024

नई दिल्ली, 1 मई, 2024

का.आ. 806.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एम्प्लोयी स्टेट इन्सुरेंस कॉर्पोरेशन; बापू नेचर क्योर हॉस्पिटल एंड योगाश्रम के प्रबंधन के संबद्ध नियोजकों और श्री नरेन्द्र सिंह के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-2, नई दिल्ली, पंचाट (रिफरेन्स न.- 75/2015) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है, जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 01.05.2024 को प्राप्त हुआ था।

[सं. जेड-16025/04/2024-आईआर(एम)-45]

दिलीप कुमार, अवर सचिव

New Delhi, the 1st May, 2024

S.O. 806.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 75/2015**) of the Central Government Industrial Tribunal cum Labour Court-2, **New Delhi** as shown in the Annexure, in the Industrial dispute between the employers in relation to **Employee State Insurance Corporation; Babu Nature Cure Hospital & Yogashram** and **Shri Narender Singh** which was received along with soft copy of the award by the Central Government on 01.05.2024.

[No. Z-16025/04/2024-IR(M)-45]

DILIP KUMAR, Under Secy.

ANNEXURE

**BEFORE SH. ATUL KUMAR GARG, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL-CUM-
LABOUR COURT NO. II, NEW DELHI**

I.D. No. 75/2015

Sh. Narender Singh

S/o Sh. Chatter Singh,

Address: V.P.O. Mohana,

Tehsil/Dist. Sonapat-130001

Haryana

VERSUS

- 1. Director General,
Employee State Insurance Corporation,
Pancheep Bhawan, CIG Marg,
New Delhi-110002.**
- 2. Babu Nature Cure Hospital & Yogashram,
Gandhi Nidhi, Mayur Vihar, Phase-1,
Delhi-110091**

AWARD

This is the claim petition/application filed by the petitioner U/S 2A of the Industrial Disputes Act 1947 (herein after referred as an Act) against his illegal termination. It is the workman case that he was appointed as part time Yoga Therapist by management-2 in the dispensary of Management-1 on 11.02.2008. He was shown as attached to management-2 with effect from 11.02.2008. His last drawn salary was Rs. 10,000 per month which was lastly credited in the saving bank account maintained in SBI Okhla industrial Estate. Management-2 & 3 were only nominal agency as this neither paid wages to the claimant nor supervise his work. He was terminated in the year on 31.03.2014 as a retaliatory measure to teach a lesson to the workman for having dare to demand justice and fair treatment. His dispute was pending with Sh. Dinesh Narayan, Assistant Labour Commissioner (Central) in violation of the U/s 33 of the I.D Act. Hence he made prayer that he be reinstated with full back wages.

Respondent-1 had filed the reply and stated that claimant has not approached this tribunal with clean hand. In the month of February 2004 management of ESIC had appointed non-governmental agency namely M/s Babu Nature Care Hospital & Yogashram for providing Yoga Therapist in ESIC dispensary and hospital in Delhi. The agreement was initially for a period of three month and got extended few times. Scheme was finally withdrawn from 01.03.2006. The management of ESIC had appointed the aforesaid independent agency on contractual basis. Management of ESIC have been making payment to the NGO from time to time for the services provided by them. He submit that the claimant falls in the employment of NGA not with the ESIC. Hence, he submits that claim be dismissed.

Management-3 had also filed the reply he has also submitted that claim be dismissed.

Rejoinder has also been filed affirming the fact made in the claim statement and denied the averment made in the WS.

Vide order dated 19.11.2016 following issues have been framed:

- 1. Whether the services of the workman Sh. Narender Singh have been illegally terminated by the management of E.S.I.C- respondent-1? If so its effect?**
- 2. Whether the contract between E.S.I.C- respondent-1 and its contractor- respondent-2 is illegal and invalid being a Shan and bogus contract? If so its effect?**
- 3. Whether there exists employer and employee relationship between respondent No. 1 and workman? If so its effect?**
- 4. Whether claim is maintainable? If so its effect?**
- 5. To what relief workman is entitled and from which respondent?**

Workman was asked to examine its witness however for the last eight years, witness has not come forward for tendering the affidavit and cross-examination.

In the absence of any evidence on record, claim of the workman is resulted into failure. Claim of the claimant stands dismissed. Award is passed accordingly. A copy of this award is hereby sent to the appropriate government for notification under section 17 of the I.D Act 1947. File is consigned to record room.

ATUL KUMAR GARG, Presiding Officer

02nd April, 2024

नई दिल्ली, 1 मई, 2024

का.आ. 807.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एम्प्लोयी स्टेट इन्सुरेंस कॉर्पोरेशन; बापू नेचर क्योर हॉस्पिटल एंड योगाश्रम के प्रबंधन के संबद्ध नियोजकों और मिस प्रीती आर्या के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-2, नई दिल्ली, पंचाट

(रिफरेन्स न.- 76/2015) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है, जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ **01.05.2024** को प्राप्त हुआ था।

[सं. जेड-16025/04/2024-आईआर(एम)-46]

दिलीप कुमार, अवर सचिव

New Delhi, the 1st May, 2024

S.O. 807.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 76/2015**) of the Central Government Industrial Tribunal cum Labour Court-2, **New Delhi** as shown in the Annexure, in the Industrial dispute between the employers in relation to **Employee State Insurance Corporation; Babu Nature Cure Hospital & Yogashram** and **Ms. Preeti Arya** which was received along with soft copy of the award by the Central Government on 01.05.2024.

[No. Z-16025/04/2024-IR(M)-46]

DILIP KUMAR, Under Secy.

ANNEXURE

**BEFORE SH. ATUL KUMAR GARG, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL-CUM-
LABOUR COURT NO. II, NEW DELHI**

I.D. No. 76/2015

Ms. Preeti Arya,

W/o Sh. Ankush Arya,

Address: B-4, 94-95, Bunkar Colony,

Ashok Vihar Phase-IV,

New Delhi-110052.

VERSUS

- 1. Director General,
Employee State Insurance Corporation,
Panchsheel Bhawan, CIG Marg,
New Delhi-110002.**
- 2. Babu Nature Cure Hospital & Yogashram,
Gandhi Nidhi, Mayur Vihar, Phase-1,
Delhi-110091**

AWARD

This is the claim petition/application filed by the petitioner U/S 2A of the Industrial Disputes Act 1947 (herein after referred as an Act) against his illegal termination. It is the workman case that he was appointed as part time Yoga Therapist by management-2 in the dispensary of Management-1 on 02.03.2004. He was shown as attached to management-2 with effect from 07.11.2007. His last drawn salary was Rs. 10,000 per month which was lastly credited in the saving bank account maintained in SBI Okhla industrial Estate. Management-2 & 3 were only nominal agency as this neither paid wages to the claimant nor supervise his work. He was terminated in the year on 31.03.2014 as a retaliatory measure to teach a lesson to the workman for having dare to demand justice and fair treatment. His dispute was pending with Sh. Dinesh Narayan, Assistant Labour Commissioner (Central) in violation of the U/s 33 of the I.D Act. Hence he made prayer that he be reinstated with full back wages.

Respondent-1 had filed the reply and stated that claimant has not approached this tribunal with clean hand. In the month of February 2004 management of ESIC had appointed non-governmental agency namely M/s Babu Nature Care Hospital & Yogashram for providing Yoga Therapist in ESIC dispensary and hospital in Delhi. The agreement was initially for a period of three month and got extended few times. Scheme was finally withdrawn from 01.03.2006. The management of ESIC had appointed the aforesaid independent agency on contractual basis. Management of ESIC have been making payment to the NGO from time to time for the services provided by them. He submits that the claimant falls in the employment of NGA not with the ESIC. Hence, he submits that claim be dismissed.

Management-3 had also filed the reply he has also submitted that claim be dismissed.

Rejoinder has also been filed affirming the fact made in the claim statement and denied the averment made in the WS.

Vide order dated 19.11.2016 following issues have been framed:

1. Whether the services of the workman Smt. Preeti Arya have been illegally terminated by the management of E.S.I.C- respondent-1? If so its effect?
2. Whether the contract between E.S.I.C- respondent-1 and its contractor- respondent-2 is illegal and invalid being a Shan and bogus contract? If so its effect?
3. Whether there exists employer and employee relationship between respondent No. 1 and workman? If so its effect?
4. Whether claim is maintainable? If so its effect?
5. To what relief workman is entitled and from which respondent?

Workman was asked to examine its witness however for the last eight years, witness has not come forward for tendering the affidavit and cross-examination.

In the absence of any evidence on record, claim of the workman is resulted into failure. Claim of the claimant stands dismissed. Award is passed accordingly. A copy of this award is hereby sent to the appropriate government for notification under section 17 of the I.D Act 1947. File is consigned to record room.

ATUL KUMAR GARG, Presiding Officer

02nd April, 2024

नई दिल्ली, 1 मई, 2024

का.आ. 808.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एलआईसी ऑफ़ इंडिया के प्रबंधन के संबद्ध नियोजकों और श्री जी. सुब्बा राव के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, हैदराबाद, पंचाट (रिफरेन्स न.- 116/2014) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 01.05.2024 को प्राप्त हुआ था।

[सं. एल-17012/37/2014-आईआर(एम)]

दिलीप कुमार, अवर सचिव

New Delhi, the 1st May, 2024

S.O. 808.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 116/2014**) of the Central Government Industrial Tribunal cum Labour Court, **Hyderabad** as shown in the Annexure, in the Industrial dispute between the employers in relation to **LIC of India** and **Shri G. Subba Rao** which was received along with soft copy of the award by the Central Government on 01.05.2024.

[No. L-17012/37/2014-IR(M)]

DILIP KUMAR, Under Secy.

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD

Present: - **Sri IRFAN QAMAR**

Presiding Officer

Dated the 27th day of March, 2024

INDUSTRIAL DISPUTE No. 116/2014

Between:

Sri G. Subba Rao

S/o Davadas,

D.No. 9-25, Machavaram,

Rayavaram(M), E.G. District – 533 261.

.....Petitioner

AND

1. The Sr. Divisional Manager,
LIC of India, Divisional Office,
Jeevan Godavari, Morampudi,
Rajahmundry.

2. The Branch Manager,
LIC of India,
Ramachandrapuram,
E.G. Dist. A.P..

... Respondents

Appearances:

For the Petitioner : Sri V. V. Rama Krishna, Advocate

For the Respondent : Sri Venkatesh Dixit, Advocate

AWARD

The Government of India, Ministry of Labour by its order No.L-17012/ 37/2014-IR(M) dated 7.7.2014 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of LIC of India and their workman. The reference is,

SCHEDULE

“Whether the removal from service of Sri G. Subba Rao, Ex-Temp. Class-IV LIC of India, Ramachandrapuram Branch w.e.f. 28.1.2023 is legal and justified? If not, what other relief the workman is entitled to?”

The reference is numbered in this Tribunal as I.D. No. 116/2014 and notices were issued to the parties concerned and the Petitioner entered appearance.

2. On the date fixed for Petitioner's evidence, Petitioner remained absent. Record reveals that Petitioner is not attending proceedings since last number of dates of hearing. It seems he do not want to prosecute his case. Perused the record. Since the claim of the Petitioner is not substantiated by any evidence of Petitioner, despite sufficient number of opportunity already granted to him, therefore, for the want of evidence a 'No claim' award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant, and corrected by me on this the 27th day of March, 2024.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the
Petitioner
NIL

Witnesses examined for the
Respondent
NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL